

May 5, 2022

Planning Commission Hearing

Elliot Site Plan Adjustment to Replace Existing Driveway and Fence

Case No. PL21-0035

Item No. 7



Resource Management Agency, Planning Division
Angela Georgeff, Case Planner

Planning Commission Public Comments



CASE NUMBER PL21-0035 – Agenda Item #7

For Participants on ZOOM

If you wish to provide a public comment,

By Phone: Please press *9 to raise your hand

By Computer: Please click the raised hand icon

and you will be connected at the appropriate time.



Project Location

Location Map



Site Location



General Plan:

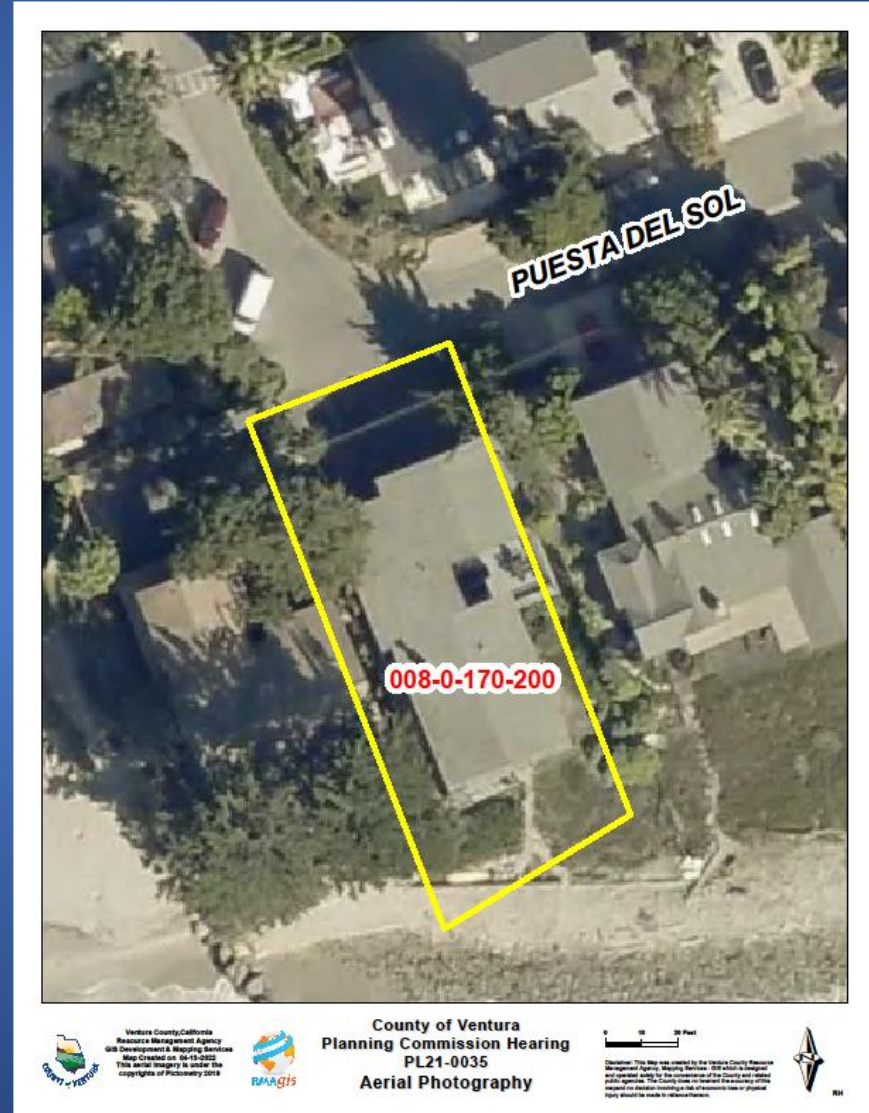
Low Density Residential

Coastal Area Plan:

Residential Medium 2.1-6 DU/AC

Zoning Designation:

Coastal Single-Family Residential
minimum lot area 7,000 sq. ft.





Permit History

Project History



Date	Action
1959	A Single-Family Residence was constructed prior to California Coastal Act.
March 26, 2018	The Planning Director approved Coastal PD Permit (PL17-0084) for a second story addition to the existing dwelling.
April 6, 2018	The project was appealed to your Planning Commission by the appellants, Douglas and Jaleh White.
December 13, 2018	The Planning Commission approved the Coastal PD Permit (PL17-0084).
August 18, 2021	The Planning Director approved Site Plan Adjustment (PL21-0035) to replace the driveway and fence.
August 27, 2021	The project was appealed to your Planning Commission by the appellants, Douglas and Jaleh White.



Project Description

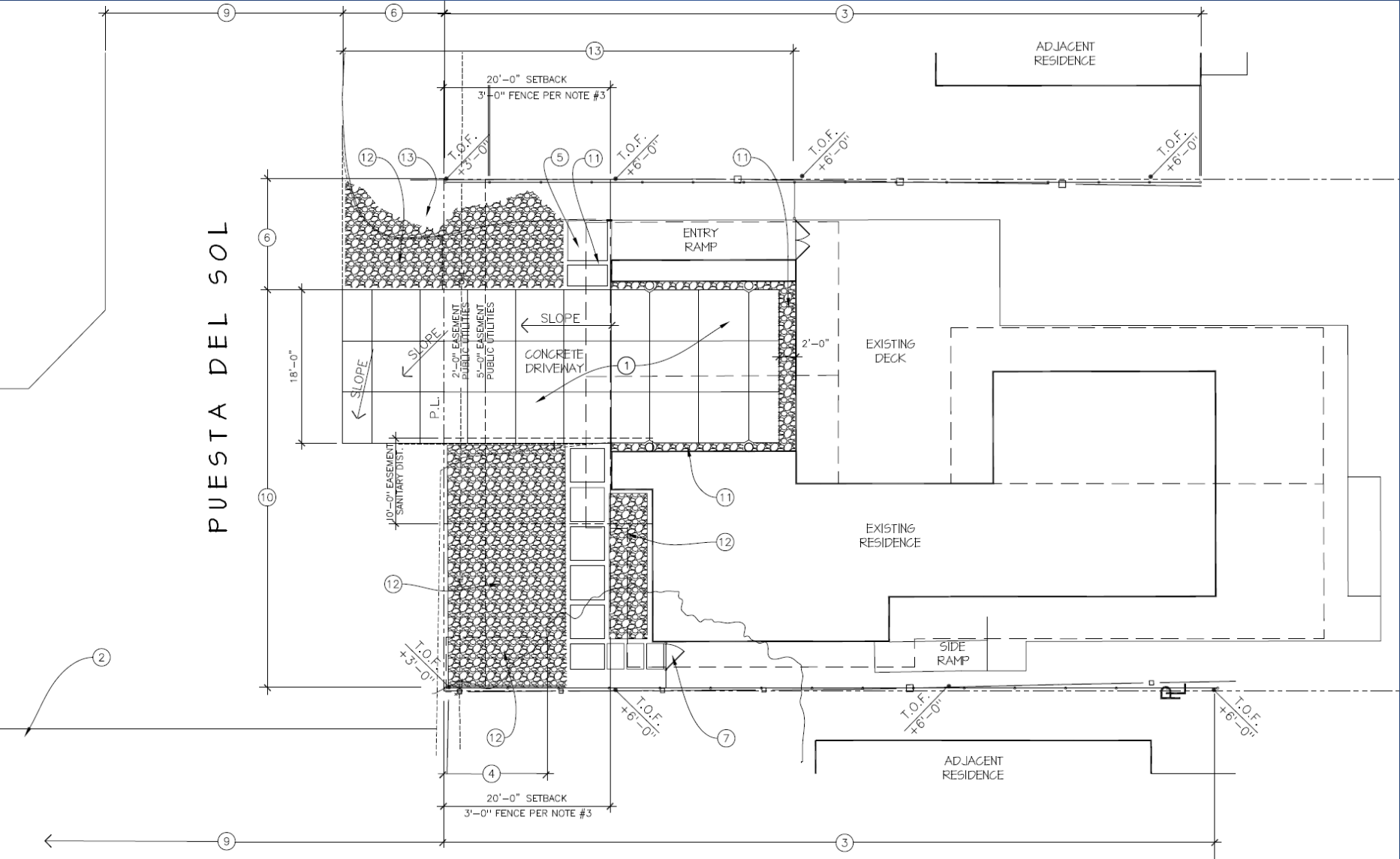
Project Description



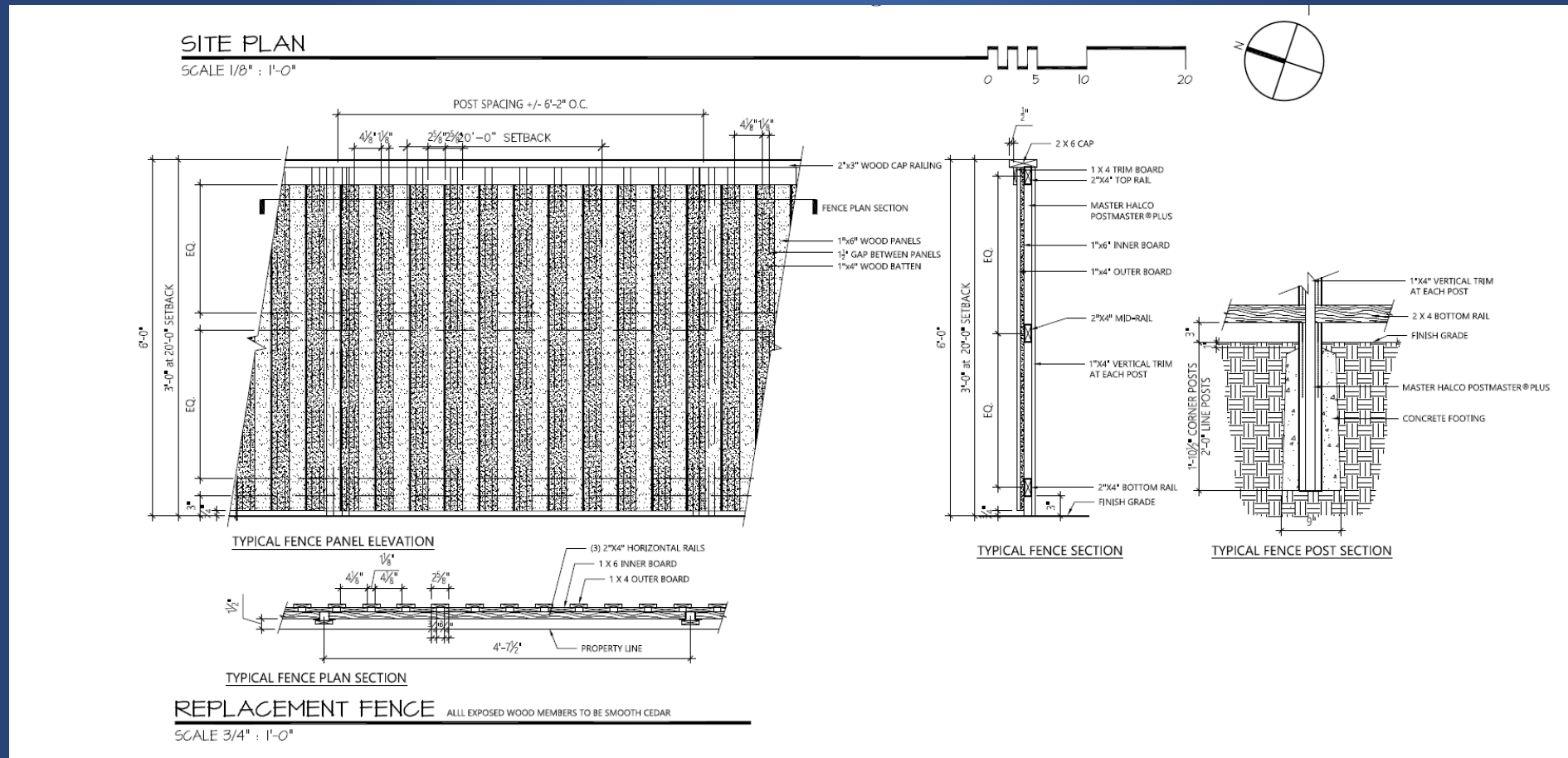
The applicants, Greg and Michelle Elliot, request a Site Plan Adjustment (Case No. PL21-0035) to Coastal PD Permit (PL17-0084) to replace an existing driveway and fence.

- The asphalt driveway would be replaced with a concrete driveway, pedestrian paving squares, and pebbles.
- A new fence will be installed along the northwest and southwest property lines, including a trash enclosure. Fencing will be six feet in height except for in the front setback where the fence will be three feet in height (CZO § 8175-3.11)

Site Plan (Exhibit 6)



Site Plan (Replacement Fence)



Site Visit Photos



Trash Enclosure



8120 Puesta Del Sol

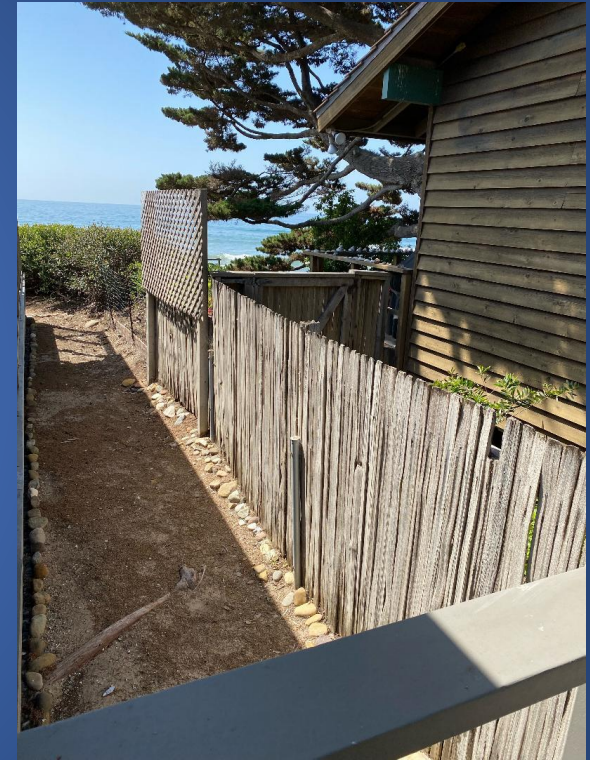
Site Visit Photos (cont.)



Existing fence as seen
from front yard



Existing fence as seen
from back yard



Existing fence looking
at Pacific Ocean

Site Visit Photos (cont.)



Existing wire fence, replacement fence to end where existing wood fence ends



Existing Lemonadeberry shrub to remain

Site Visit Photos (cont.)

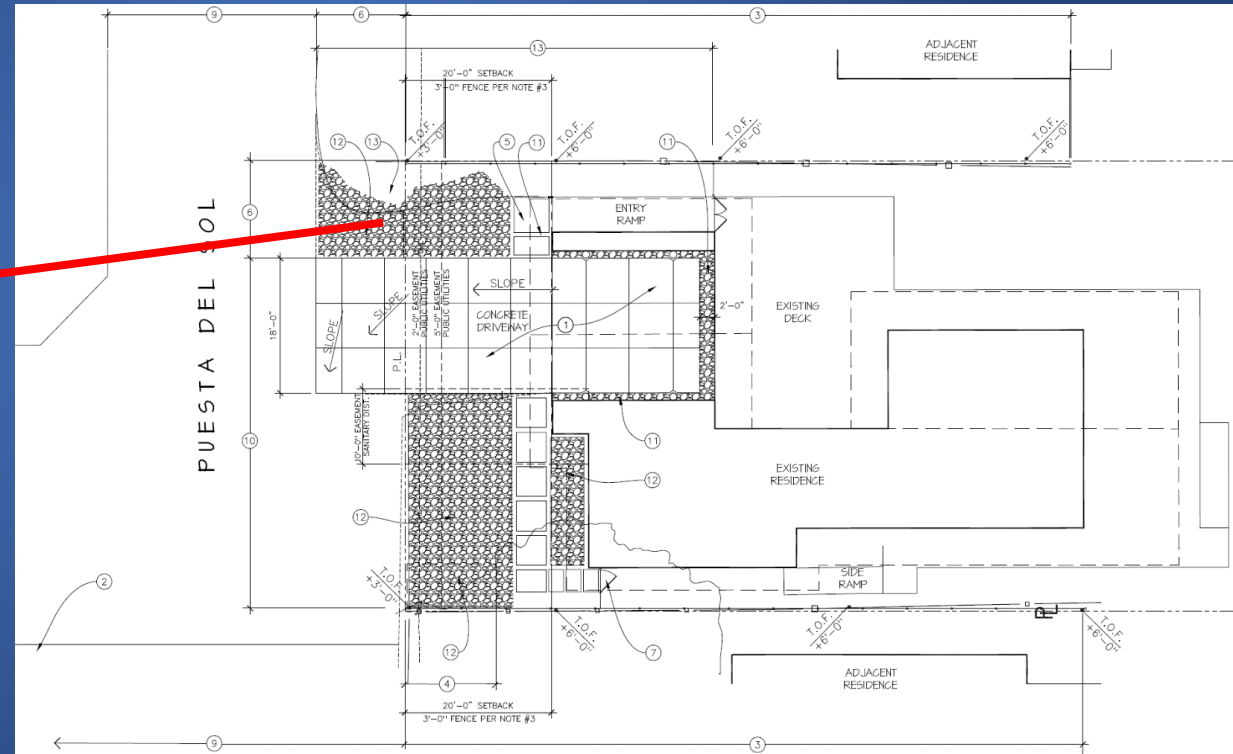


Existing condition of driveway and fence

Site Visit Photos (cont.)



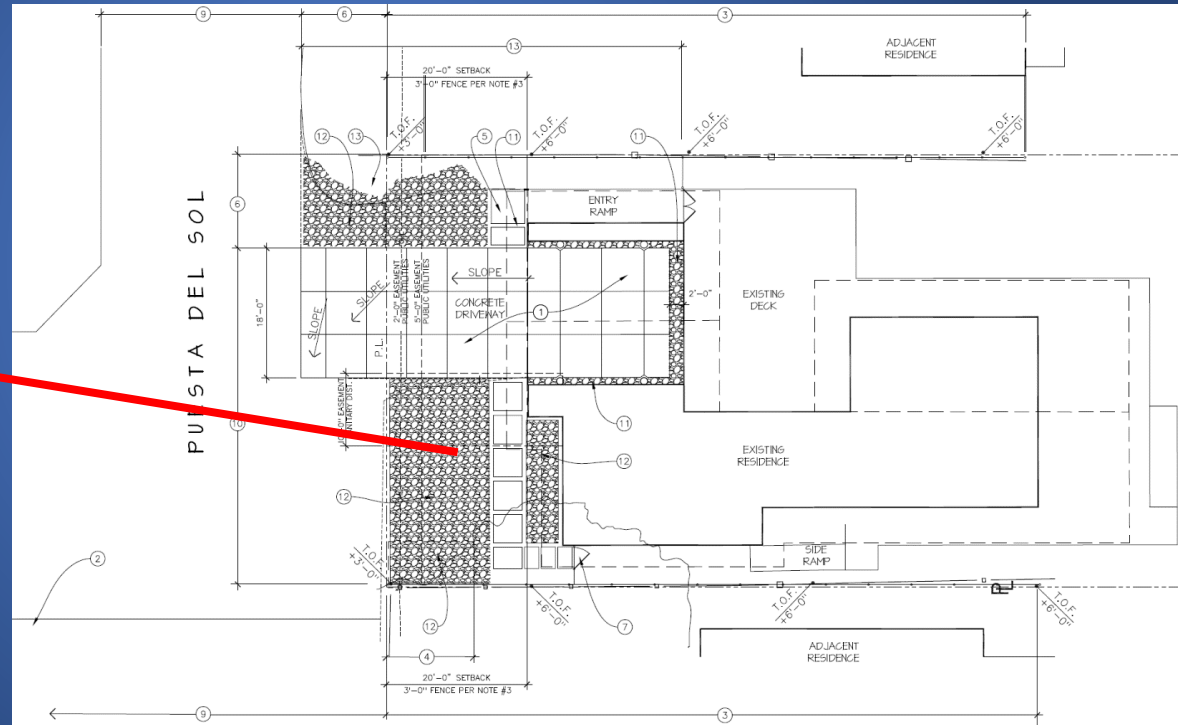
Limit of Decorative Stone



Site Visit Photos (cont.)



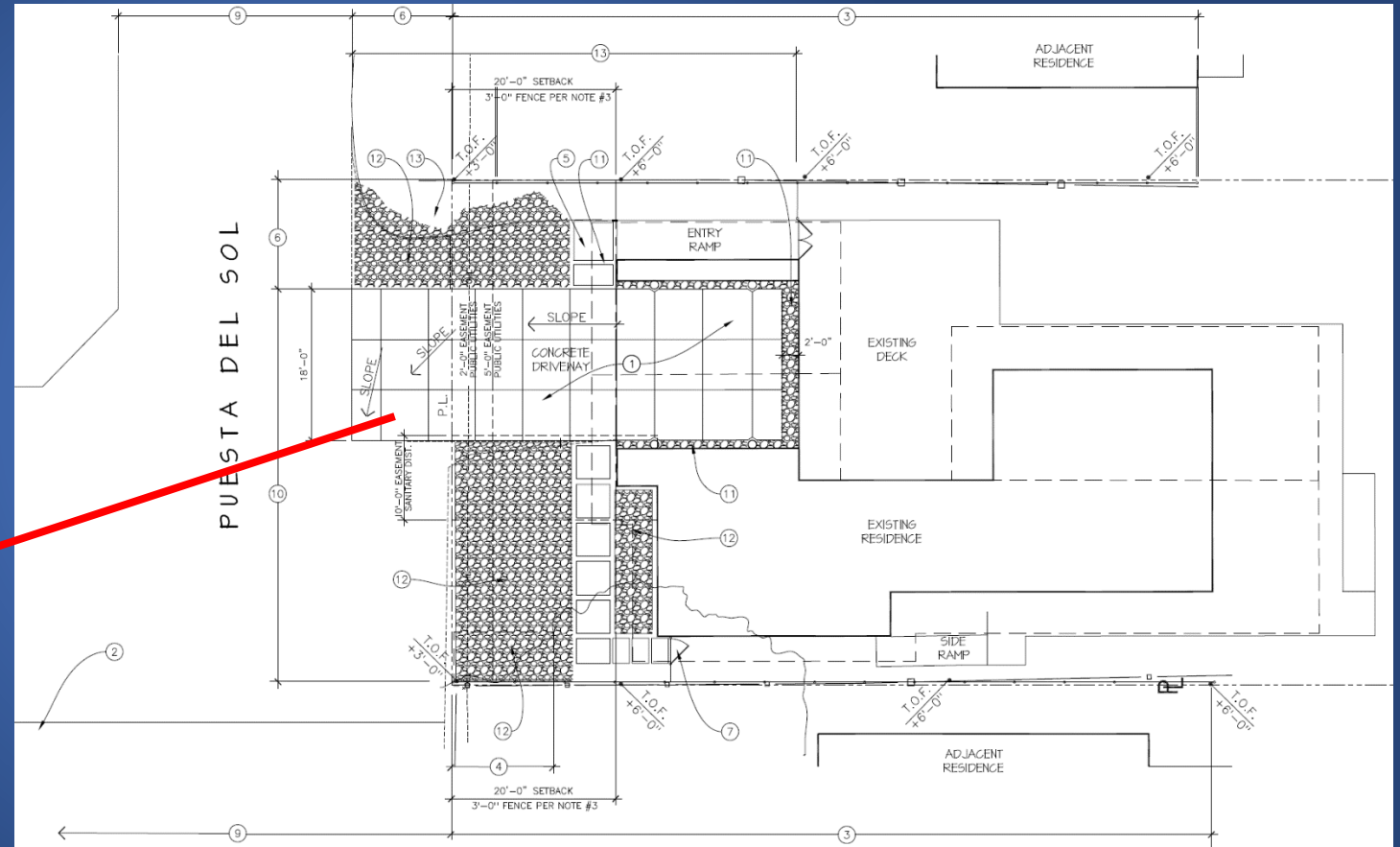
Limit of Decorative Stone



Site Visit Photos (cont.)



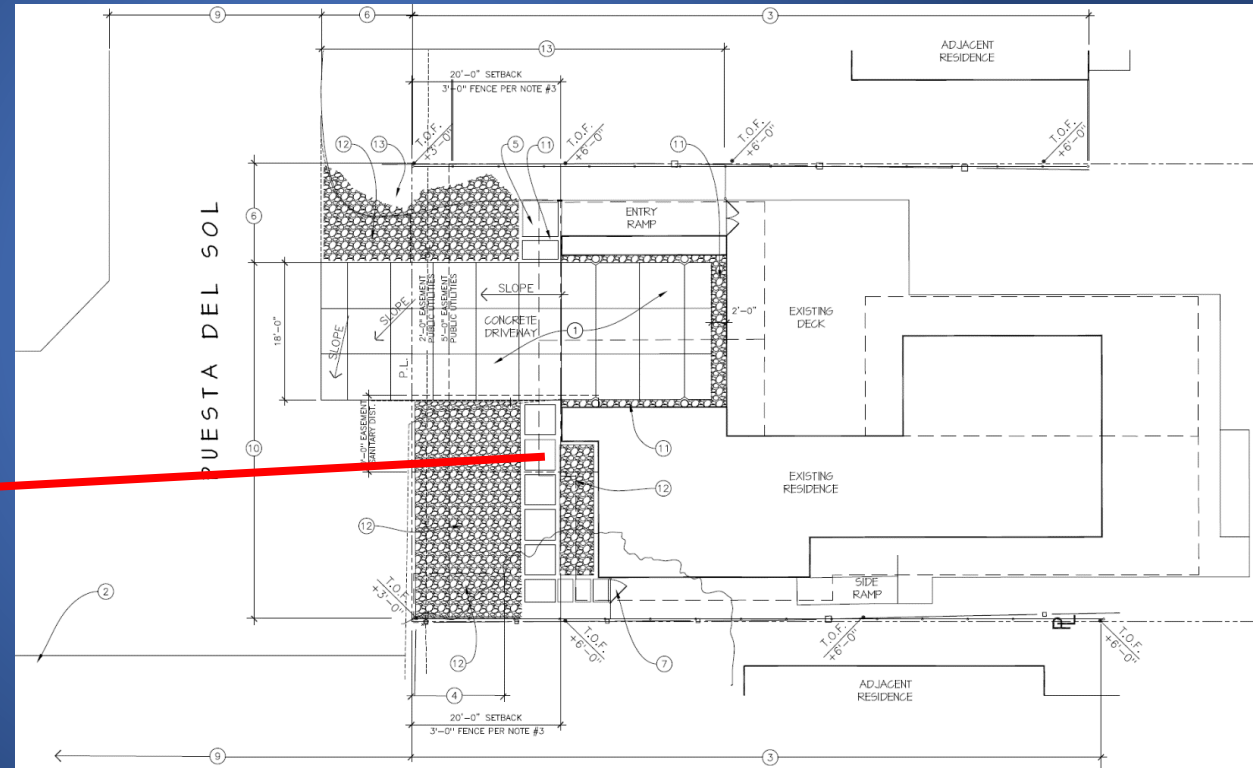
Limit of the Driveway



Site Visit Photos (cont.)



Limit of the Stone Pavers



Front Yard Landscaping

Site Visit Photos (cont.)



White's Existing Fence



Site Visit Photos (cont.)



Cypress Tree in the
White's Front Yard



Cypress Tree in Front Yard
Approx. 9-Feet from Fence

Site Visit Photos (cont.)



Cypress Tree in the
White's Back Yard



Exposed Roots in
Back Yard

Site Visit Photos (cont.)



Public Access to the Beach



Storm Drainpipe





Grounds of Appeal

Grounds of Appeal (Exhibit 5)



Staff has evaluated 30 Grounds of Appeal provided by the Appellants which included the following:

- CEQA Analysis (Piecemealing)
- Tree Protection
- Fence Height Regulation
- Property Boundaries

CEQA Analysis – Piecemealing



CEQA prohibits an agency from splitting up a large project into separate ones, each of which might have individually minimal environmental consequences, but collectively may have significant environmental impacts.

- In 2017, Case No. PL17-0084 was approved for a second-story addition.
- In 2021, Case No. PL21-0035 was submitted for a request to replace the driveway and fence.

In this instance, there is no improper piecemealing merely because a subsequent project is reasonably foreseeable, rather, it must be a reasonably foreseeable consequence of the initial project.

Tree Protection



- The Applicants provided a certified arborist report (dated March 5, 2021) and amendment (dated August 6, 2021).
- Two trenches were excavated at the driveway to determine location of cypress tree roots.
- The arborist provided recommendations for fence post installation which includes using existing fence post holes and cantilevering the fence over critical root zones.
- There will be an onsite arborist monitoring throughout all construction activities.

Fence Height



Ventura County CZO Section 8175-3.11(a) states:

No fences, walls or hedges over three feet high may be placed in the required setback area adjacent to a street. A maximum six-foot-high wall, fence or hedge may be located anywhere on the lot except in the clear sight triangle or required setback area adjacent to a street.

The proposed replacement fence will be 3 feet on the street-side setback (Puesta del Sol) and 6 feet along the side yard property boundary.

Puesta Del Sol/Public Access Easement



- A non-exclusive easement for road, utility and recreational purposes, is recorded in Book 2909, Pages 254 through 262. Proposed improvements do not restrict ingress/egress or encumber access to the beach.
- Rincon Point Property Owners Association agreed to allow a portion of the driveway apron to be constructed on Puesta del Sol Road and is requiring the applicant to maintain the driveway apron. (Exhibit 7)
- The Applicants provided documentation from Casitas Water Company, Southern California Gas, and Carpinteria Sanitary District, easement holders, who did not object to the driveway improvements within the easement. (Exhibit 8)





Recommended Actions

Recommended Actions



1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all comments;
2. **FIND** that this project is exempt from environmental review pursuant to Sections 15301 (Existing Facilities) and 15302 (Repair or Replacement) of the CEQA Guidelines, and that no unusual circumstances or other factor set forth in Section 15300.2 of the CEQA Guidelines preclude use of this exemption;
3. **FIND** that based on substantial evidence presented in this Staff Report, the Planning Director's Approval Letter (Exhibit 4), and the entire record, pursuant to the standards set forth in Section 8181-10.4.2(a) of the Ventura County CZO, that this Site Plan Adjustment (Case NO. PL21-0035) would not alter any of the findings made pursuant to Section 8181-3.5 of the CZO for approval of Coastal PD Permit (Case NO. PL17-0084), nor any findings of approval for that permit or any findings contained in the environmental document prepared for that permit, and would not have any adverse impact on the subject site or surrounding properties;

Recommended Actions (continued)



4. **GRANT** Site Plan Adjustment (Case No. PL21-0035) to Coastal PD Permit (Case No. PL17-0084), subject to conditions of approval (Exhibit 10);
4. **DENY** the Appeal submitted by the Appellant, and do not refund appellant's appeal fees; and
6. **SPECIFY** that the Clerk of the Board is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the administrative record of proceedings upon which the foregoing decisions is based.

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Questions?



- Planning Staff Available for Questions
 - Planning Manager (Jennifer Trunk)
 - Planning Director (Dave Ward)
- Other County/Agency Staff Available:
 - Public Works (Jim O'Tousa)
- Available with a Presentation:
 - Applicant: Greg Elliot (in person)
 - Applicant: Neal Maguire, Attorney (in person)
 - Appellant: Sara Cipani (zoom)
 - Appellant: Susan Petrovich, Attorney (in person)
- Available for Questions:
 - Arborist: Bill Speiwak (in person)