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August 18, 2009

County Of Ventura  
Resource Management Agency  
Planning Division; Attn: **Planning Commission**  
L #1740, 800 South Victoria Avenue  
Ventura, CA 93009-1740

RE: Variance for Planned Development Permit No. LU08-0079  
Larry Graves/Bryan Cranston: 6768 Breakers Way, Mussel Shoals

Dear Commissioners,

My family has owned our beach house in Ventura County since 1946 when my Grandfather first built it on Highway 1 in the sand dunes across from the small community of La Conchita; in 1952, it was moved onto two lots in Mussel Shoals when Highway 101 was built... and Rincon Island soon followed. Since that time, we have seen **many** changes in this County and at the State level in regards to how coastal properties, zoning laws, building codes and permits are handled... in fact, the Coastal Commission did not exist for another twenty years!

I personally helped develop ten's of millions dollars worth of properties in this County, Residential and Commercial; on the beach and private rural estates, over the past thirty five years, so have experience with the Permit process in Ventura County more than most, yet never needed to settle issues beyond Planning on any project before now.

We are very pleased to have as our new neighbors Bryan, Robin and Taylor Cranston; they have proved to be a wonderful fun loving family that has fully embraced our Beach Community of Mussel Shoals. They have proved to be sensitive to any impact they have on their neighbors, the Community and the delicate environment our homes are in. We feel Bryan's desire to both provide a beautiful home for his family to live in and enjoy, while maintaining strict Platinum Green Certified design and construction standards is **very** commendable.

**We support and welcome this project completely, and fully support this request for a Variance.** We feel it would enhance their new home and fit the neighborhood better should you allow it. The five foot move towards the street would better match the last

four existing homes on the street: **all** are very likely to retain their foundation footprints due to the diminishing lot size issue that applies only to these last five lots.

We request you carefully consider and **allow for the Oceanside of the house to be straightened**, by removing the angle design, which Planning has already indicated at the Permit Hearing they would allow. The request to square off the Oceanside of the house is critical to my family: we believe from experience our property will be subject to adverse wave action in the winter if the angle remains. The winter surf is most damaging from a South swell, so if any angle towards our house is left in the building, waves hitting it from the South will be deflected onto our property and at our house. We believe there will be serious liability issues created from waves hitting his house and damaging our property.

Both of these adjustments were supported by the Case Planner, Michelle Glueckert and her Supervisor, Nancy Francis at the Public Hearing held for Bryan's Planned Development Permit approval which I attended, only stating Bryan needed the Fire Department to sign off on the five foot setback on the street side before approving, which VC Fire did. I witnessed this, and do not understand why they are now refusing to support it.

Having read the Ventura County Coastal Zoning Ordinance many times since the 1980's, I believe it addresses existing special circumstances of unusual shaped lot's by adding provisions that allows for Variances as a means to deal with this very issue.

As stated in the Commissioners Handbook **"The sole purpose of any Variance shall be to enable a property owner to make reasonable use of his or her property in the manner of which other property of like character in the same vicinity and zone can be used"**.

1. **"Reasonable use"**: We believe this must be looked at financially by the high value of this property, not only at purchase, but the long and expensive process it takes to develop in Ventura County, and in an isolated location. We are surprised to find the Planning Division opposing increasing Property Values and the Tax Base our County will need in the future.
2. **"..like character in the same vicinity.."**: Admittedly, this is difficult to achieve in our Community due to it's eclectic mixture of old and new beach front homes, and the different requirements each property was developed under over the years that has created somewhat permanent staggering of the homes on both the street side and Oceanside of the lots... as well as sizable differences in the building sizes. This includes both older and newer built homes, as some were built as Remodel vs. New Construction Permits. **We feel his design is well suited for our neighborhood.** Had Bryan filed for a Remodel Permit, he would be allowed to build **12 feet closer** to the street than his Permit now allows. We feel that the five foot change will not affect **any** visual or affect any use along our private road, especially given that our home, on two lots, as well as the last two homes and lots



on the street, are **located almost exactly in line with where he is asking to be allowed to build.** Our two properties as well as the last two homes will most certainly use Remodel Permits to retain their existing footprints to maximize square footage and, therefore, increase Property Value and Tax Base.

We are disappointed by statements made by three different Planners at different times in this Division. When I inquired about this Variance Application, I was told, almost verbatim, that they think Bryan's 2700 sq ft home as permitted is "...plenty large enough..", and that they "...do not feel sorry for him he will not be allowed to make it larger." In light of this attitude, I feel I must address each of the four standards that I believe are met easily by his request:

1. **"That there are special circumstances or exceptional characteristics applicable with regard to size, shape, topography, location or surroundings, which do not apply generally to comparable properties in the same vicinity and zone; and.."**

We think the **angle and diminishing property line** on the Oceanside of this property is clearly addressed here: if you look at the aerial photograph or survey map of the community, you will see the lot line angles towards the street center at the North end. This angle creates smaller lots the further North you go. If strict Zoning application is used, these lots will be increasingly devalued and restrict any development on them: the last lot may be severely restricted to the point of undevelopable by today's standards.

The requirement to have a twenty five foot setback from the center of the street forces these homes towards the Ocean: to then try and enforce a fourteen foot setback on the Oceanside further reduces the Buildable lot size. We feel this and the location/alignment of the existing houses on this North end creates a need to allow Bryan's home to be aligned with them on the street side.

We believe our Property Titles state we own over 100 feet towards the ocean to the State Lands Commissions established MHTL. The existing Seawalls on both Bryans and our two lots are well beyond the location of the lot line the County is now using for setback purposes; yet in 1993, V.C. Planning, California Coastal Commission and the State Lands Commission all signed off on and allowed Permitted installation of an Engineered Seawall located **well beyond** his and our "lot lines" on the Oceanside of the property, **specifically stating that the MHTL is the property line, and is well beyond the Seawall location.** Bryan's project is the first to run into this issue, since his is the first of the next four properties Northward that has this **"...special circumstances...with regard to size, shape..."** issue.

I have a printed statement from Planning dated 1997 that states: "When we prepared our Local Coastal Plan, we assumed that the leeward side of all privately owned lots was coterminous with the MHTL." This cannot be possible, as **all** recorded survey maps we have seen show the MHTL is over 100 feet beyond those lot lines.

**inconsistent with the limitations upon other properties in the same vicinity and zone; and..."**

We believe this Variance will actually **balance** the use of this property to conform to the same "**limitations**" the last four properties on the street with diminishing lot sizes: by **aligning the house with existing houses** on the street side; no "special privilege" would be created.

3. **"That strict application of the zoning regulations as they apply to the subject property will result in practical difficulties or unnecessary hardships inconsistent with the general purpose of such regulations; and..."**

We believe strict application **does** create unnecessary hardship: when **does** financial hardship enter into consideration if not here? The huge capital risk of any Beach Front Property owner in this County **must** take into consideration this investment of time and money for these investors of the largest Tax Base and smallest property size in the County: this is the forefront of the future financial base and strength in the County.

4. **"That the granting of such variance will not be detrimental to the public health, safety or general welfare, nor to the use, enjoyment or valuation of neighboring properties."**

I finally agree with Staff (!!); that this Variance is consistent all standards of the Local Coastal Program.

As to the verbal pre-approval given at the Public Hearing for both of these changes we support, and now are denying the Variance; I have to ask why the Planning Division is **holding Public Hearings that are not recorded**: both Mr. Graves and I discussed this immediately after the Permit Hearing in October: neither of us had experienced this before; I had questioned the Planner, Michelle immediately after the meeting about this: she replied it was now the practice of the Planner's to "take notes" and transcribe them later. We believe this practice creates a level of mistrust between the Community and the Staff if there is a dispute as to what was said. This practice undermines the entire reason for recording these Public Hearings in the first place, and I believe, raises legal issues for all involved. Do we really want to discourage development in Ventura County and leave a feeling of mistrust for our Public Agencies, especially in these tough economic times.

**Please approve this Variance and project as presented**, and allow this upscale improvement to be added to our small community! We are looking forward to its completion and the wonderful new neighbors we will enjoy next door to us for many years to come!

Sincerely,

Steve Bennett  
Real Estate Manager  
Bennett Trust

Att: Aerial photograph of Mussel Shoals

Cc: John H, Planner: California Coastal Commission  
Susan Young: California State Lands Commission  
Scott Samsky, Atty: Norman Cormandy and Hare

Note: Supporting Recorded documents on all issues available on request.