



Planning Commission Staff Report Hearing on May 5, 2022

County of Ventura • Resource Management Agency

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Elliot Residence – Application for a Site Plan Adjustment (Case No. PL21-0035) to Coastal Planned Development Permit (Case No. PL17-0084), and Related Appeal of Planning Director Decision.

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Site Plan Adjustment (Case No. PL21-0035) to Coastal Planned Development (PD) Permit (Case No. PL17-0084), to replace an existing driveway and fence.
2. **Applicant/Property Owner:** Greg and Michelle Elliot, 8120 Puesta Del Sol, Carpinteria, CA 93013
3. **Applicant's Representative:** Jane Collette, 21 South California Street, Ventura California 93001
4. **Decision-Making Authority:** Pursuant to the Ventura County Coastal Zoning Ordinance (CZO) (Sections 8181-10.4.2, 8174-5 and 8181-3 et seq.), the Planning Director is the decision-maker for the requested Site Plan Adjustment to a Coastal PD Permit. This matter is brought before the Planning Commission (Commission) on appeal pursuant to Section 8181-9.1(a) of the Ventura County CZO.
5. **Project Site Size, Location, and Parcel Number:** The 0.20-acre project site is located at 8120 Puesta Del Sol, in the Rincon Beach Community, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 008-0-170-200.
6. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Low-Density Residential
 - b. Coastal Area Plan Land Use Map Designation: Residential Medium 2.1-6 DU/AC
 - c. Zoning Designation: Coastal Single-Family Residential minimum lot area 7,000 square feet (CR1)

7. Adjacent Zoning and Land Uses/Development:

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	CR1-7,000 sq. ft.	Residential
East	CR1-7,000 sq. ft.	Residential
South	Rincon Beach	Beach/Ocean
West	CR1-7,000 sq. ft.	Residential

- 8. History:** In 1959, prior to the certification of the California Coastal Act (1977) and the Ventura County Local Coastal Program (1984), a 1,930 square foot (sq. ft.) single-story dwelling with an attached two-car carport was constructed on the project site.

On March 26, 2018, the Planning Director approved Coastal PD Permit (Case No. PL17-0084) for a 525 sq. ft. second story addition, a new 65 sq. ft. lattice overhang, a new interior stairway, and a first-floor renovation to the existing residence.

On April 6, 2018, the project was appealed to the Planning Commission by Douglas and Jaleh White.

On December 13, 2018, the Ventura County Planning Commission approved Coastal PD Permit (Case No. PL17-0084).

On August 18, 2021, the Ventura County Planning Director approved a Site Plan Adjustment (Case No. PL21-0035) to Coastal PD Permit (Case No. PL17-0084) to replace an existing driveway and fence.

- 9. Project Description:** The applicants, Greg and Michelle Elliot, request a Site Plan Adjustment to Coastal PD Permit (Case No. PL17-0084) to replace an existing driveway and fence. The existing asphalt driveway would be removed and replaced with a concrete driveway, pedestrian paving squares, and pebbles. An existing fence located along the northeast and southwest property lines, including a trash enclosure located in the front setback adjacent to the southwest property line, will be replaced with a new fence. All fencing in the 20 foot (ft.) front setback will be three feet in height with the remaining portion measuring six feet in height. To protect the roots of a cypress tree located on the neighboring property to the southwest (APN 008-0-170-340), the project description includes tree protection measures and monitoring included in the Arborist Field Report dated March 5, 2021, and amended on August 6, 2021, which are to be adhered to during construction.

B. SCOPE OF HEARING

Consideration of the Appeal of the Planning Director Decision:

Following the August 18, 2021, Planning Director approval of a Site Plan Adjustment (Exhibit 4). The decision was appealed to your Commission by Doug and Jaleh White (Appellant).

The proposed Site Plan Adjustment to the Coastal PD Permit comes before your Commission for a *de novo* hearing, or anew. This means your Commission is required to conduct a hearing on this matter as if the matter came to your Commission in the first instance. To avoid repetition, the factual record assembled by the Planning Director is made a part of the record, and your Commission should consider it. In addition to the factual record assembled by the Planning Director, your Commission must allow new evidence and argument to be presented at the *de novo* hearing, in accordance with the administrative rules for land use hearings adopted by the Board of Supervisors.

C. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

The proposed project is categorically exempt pursuant to CEQA guidelines Section 15301, (Existing Facilities) for the repair or minor alteration of existing structures involving negligible or no expansion of existing or former use. The current Site Plan Adjustment (Case No. PL21-0035) is considered repair and maintenance of an existing driveway and fence, a common practice for structures accessory or incidental to residential uses. All work will occur in previously disturbed areas. It is also categorically exempt under CEQA Guidelines to Section 15302 (Replacement or Reconstruction) for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, due to the removal and replacement of an existing driveway and fence. Staff determined that no unusual circumstances or other exceptions to this categorical exemption apply (CEQA Guidelines section 15300.2).

D. CONSISTENCY WITH THE GENERAL PLAN

The consistency of the Coastal PD Permit (Case No. PL17-0084) with the Ventura County General Plan and Coastal Area Plan, is discussed in Section D of the December 13, 2018, Planning Commission staff report (Exhibit 2) and, by reference, Section C of the February 15, 2018, Planning Director staff report (Exhibit 3). These sections conclude that Coastal PD Permit (Case No. PL17-0084) is consistent with all applicable General Plan and Coastal Area Plan policies. In accordance with CZO Section 8181-10.4.2(a) any change that would not alter the findings made pursuant to Section 8181-3.5, nor any findings contained in the environmental document prepared for the project and would not have any adverse impact on the subject site or surrounding properties, may be deemed a site plan adjustment. According to the August 18, 2021, Planning Director's Approval Letter (Exhibit 4), the Planning Director found that the proposed Site Plan Adjustment (Case No.

PL21-0035) would not alter any of these findings of General Plan and Coastal Area Plan policies consistency, and on that basis approved the Site Plan Adjustment.

E. CONSISTENCY WITH VENTURA COUNTY CZO

The consistency of the Coastal PD Permit (Case No. PL17-0084) with the Ventura County CZO is discussed in Section E of the December 13, 2018, Planning Commission staff report (Exhibit 2) and, by reference, Section D of the February 15, 2018, Planning Director staff report (Exhibit 3), which find that the Coastal PD Permit (Case No. PL17-0084) complies with all applicable provisions of the Ventura County CZO. As noted in the August 18, 2021, Planning Director's Approval Letter (Exhibit 4), the proposed Site Plan Adjustment (Case No. PL21-0035), complies with all applicable provisions of the Ventura County CZO.

F. COASTAL PLANNED DEVELOPMENT PERMIT FINDINGS AND SUPPORTING EVIDENCE

The ability of County decision makers to make the required findings to approve Coastal PD Permit (Case No. PL17-0084) are evaluated in Section F of the December 13, 2018, Planning Commission staff report (Exhibit 2) and, by reference, Section E of the February 15, 2017, Planning Director staff report (Exhibit 3). These sections conclude that the required findings can be made to approve the Coastal PD Permit. Pursuant to Section 8181-10.4.2(a) of the Ventura County CZO, the Planning Director must make certain findings in order to grant a site plan adjustment. According to the August 18, 2021, Planning Director's Approval Letter (Exhibit 4), the Planning Director made the required findings pursuant to Ventura County CZO Section 8181-10.4.2(a) and determined the proposed Site Plan Adjustment (Case No. PL21-0035) would not alter the administrative and environmental findings made at the time Coastal PD Permit (Case No. PL17-0084) was approved and would not have an adverse impact on the subject site or surrounding properties.

F. APPELLANT'S GROUNDS OF APPEAL

On August 27, 2021, the Appellant filed a timely appeal of the Planning Director's decision to approve the proposed Site Plan Adjustment to the Coastal PD Permit. The specific grounds of appeal, listed verbatim and in italics, are listed below. (See also Exhibit 5). County responses follow the Grounds of Appeal.

1. Appellant's Ground for Appeal No. 1:

Introduction and Historical Background

"The newly proposed project elements and the modified conditions give rise to new potentially significant environmental impacts and have some very serious impacts on Appellants' property. For example, the Elliots now propose, and staff has approved, a

complete reconstruction and extension of the existing driveway in a manner that could damage the cypress trees' root systems and could result in an impediment to Appellants' driveway because the driveway now proposed by the Elliots Will extend well beyond the Elliotts' property line and would result in changes to parking and circulation.

The staff-approved project changes also will include a demolition and replacement of the fence that lies between the two properties. This was never part of the project, and in lengthy discussions with staff regarding potential impact of support piles and the need to avoid impacting the protected trees' roots, Appellants conveyed substantial information to County staff to discourage ANY ground disturbances. That is why the original conditions prohibited ground disturbances and grading.

The applicants now propose to yank out all of the existing fence posts [see the arborist's report describing the planned fence demolition and replacement] and either using the resulting empty fencepost poles or digging entirely new ones. Neither the arborist report nor the staff report includes a count of the posts that will be removed, how they will be removed, given that they are anchored by large clumps of concrete, and how much earth disturbance the operation will cause. Because the existing fence has many posts, all of which are embedded in concrete, removing the existing fence and replacing it with a new fence in the same location as the existing fence, will involve substantial ground disturbance and will threaten the cypress trees' roots. The existing fence is quite serviceable, so all of the proposed fence replacement is unnecessary and unsupportable."

Staff Response: The applicant submitted a Site Plan (Exhibit 6), an agreement with the Rincon Point Property Owners Association (RPPOA) (Exhibit 7), and documentation from the following easement holders: SoCalGas, Carpinteria Sanitary District and Casitas Water (Exhibit 8). The RPPOA agreed to allow a portion of the driveway apron to be constructed on Puesta del Sol Road and required the applicant to maintain the driveway apron. Easement holders indicated the proposed driveway would not conflict with utilities within their easements.

Certified arborist Bill Speiwak prepared an Arborist Field Report dated March 5, 2021, and an amended report on August 6, 2021 (Exhibit 9). Two separate trenches were excavated at the driveway and the arborist determined there will be no impact to the cypress tree from the removal of the asphalt and construction of the new concrete driveway. The Appellant was present during this field investigation. The arborist provided recommendations for fence post installation which includes using existing fence post holes and where existing fence post holes cannot be used, the arborist will determine the location to avoid critical roots and if necessary, cantilever the fence over critical root zones. Further, during all construction activities for the driveway and fence, the arborist will be onsite to monitor the work (Exhibit 10, Condition Nos. 1, 20 and 21). Therefore, this ground of appeal is without merit.

2. Appellant's Ground of Appeal No. 2:

"More to the point, the existing fence isn't entirely on the Elliotts' property, and they have no legal right to remove any portion of the fence that is on Appellants' property. The County should not, therefore, approve an action that violates Appellants' rights.

The fence has long been maintained by Appellants and was constructed by Appellants' parents and their predecessor in interest long before the Coastal Act was adopted. The fence line meanders a bit, but at the most northerly end the existing fence, and the fenceposts that the Elliotts now propose to remove, are located mostly on Appellants' property. The newly proposed conditions include a requirement that the northerly 20 feet of the fence be replaced with a substantially lower fence. Appellants object. They are not parties to the application. Reducing the fence height close to the road will result in a complete loss of privacy for Appellants' enjoyment of their beautifully landscaped front yard area. It also will create a safety hazard for the family because their large German Shepherd Dog spends a great deal of time in this yard. A 3-foot high fence section would not be a suitable dog enclosure. It also would prevent Appellants from enjoying the privacy and tranquility of their yard. On hot days, Appellants lock their gate and leave their doors and windows open to provide air flow. The existing fence provides the security to do so. It also provides Appellants with a quiet, safe sanctuary. Reducing this northerly portion of the fence to 3 feet in height makes the front yard unusable - Appellants' dog can easily escape and neighboring dogs and intruding humans can easily hop over a 3-foot high fence.

Most significantly, though, Appellants do NOT agree to any modifications of THEIR fence and the County has no legal grounds for requiring a mitigation measure to be carried out on Appellants' property for the Elliotts' benefit."

Staff Response: The Applicant submitted an ALTA/NSPS Land Title Survey, dated October 7, 2020 (Exhibit 11) showing the fence is located on the Applicant's property. As of the date of this staff report, no surveys have been received that indicate the findings of the ALTA/NSPS Land Title Survey are not accurate.

Pursuant to CZO Section 8175.3.11 (a) 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 fence height complies with CZO Section 8175-3.11(a). If the appellant seeks privacy, security, and to confine their German Shepherd, they can request a variance pursuant to CZO Section 8181-4 to install a fence on their property greater than three feet adjacent to Puesta Del Sol. Therefore, this ground of appeal is without merit.

3. Appellant's Ground of Appeal No. 3:

"Appellants' fear of piecemealing has been realized as the applicants now have decided that they want to dictate the fence style or composition, regardless of Appellants' property rights and the historical use of their property. The fence was there when the Elliotts purchased their property. If it was so objectionable; they either should not have purchased the property or should have included a fence replacement in their initial project application so its environmental impacts could be studied."

Staff Response: Pursuant to CEQA Section 21159.27, a project may not be divided into smaller projects to qualify for one or more exemptions. The test for piecemealing, or whether an initial project must analyze a subsequent project, is whether the subsequent project "is a reasonably foreseeable consequence of the initial project" and the subsequent project "will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 396.) There is no improper piecemealing, however, where the projects are "independently justified separate projects." (*Banning Ranch Conservancy v. City of Newport Beach* (2012) 211 Cal.App.4th 1209, 1226; see also *id.* at p. 1223 [no piecemealing "when the projects have different proponents, serve different purposes, or can be implemented independently"]; see also *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 99.) Further, 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. (*Banning Ranch Conservancy, supra*, 211 Cal.App.4th at pp. 1225-1226.)

Here, the current project to replace the fence and driveway is separate and independent from the initial project's additions to the interior and exterior of the dwelling—they could be independently justified and independently implemented. In addition, there is no evidence to indicate that the present project will change the scope or nature of the initial project or its environmental effects.

Further, both projects were determined to be categorically exempt from environmental review pursuant to CEQA Guidelines Section 15301 (Existing Facilities). CEQA Guidelines Section 15301 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. Examples include but are not limited to additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less, and demolition and removal of accessory (appurtenant) structures including garages, carports, patios, and fences. Coastal PD Permit (Case No. PL17-0084) included a 525 sq. ft. second-story addition to an existing 1,930 sq. ft. dwelling (or 27% of the floor area). The current Site Plan Adjustment (Case No. PL21-0035) is considered repair and maintenance of an existing driveway and fence, a common practice for structures accessory or incidental to residential uses. All work will occur in previously disturbed

areas. It is also categorically exempt under CEQA Guidelines to Section 15302 (Replacement or Reconstruction) for the replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, due to the removal and replacement of an existing driveway and fence. There is no evidence in the administrative record of the prior permit that the applicant withheld this project component to avoid permit processing and environmental review at that time, nor is there any basis to conclude that including this project component in the prior permit would have changed the relevant findings and result. Therefore, this ground of appeal is without merit.

4. Appellant's Ground of Appeal No. 4:

*"In approving these project changes, County staff has grossly underestimated the environmental impacts that could result from these proposed changes by improperly characterizing the current application as a "Site Plan Adjustment." In a Coastal Commission staff letter dated October 22, 2015, regarding the appealability of permit modifications, the author defined a Site Plan Adjustment as "a minor change" to a Coastal Development that **would not alter any of the findings of approval for the underlying permit and would not have ANY adverse impact on the subject site or surrounding properties.**" [emphasis added]. The proposed modification **DON'T** qualify as being minor, nor can one conclude that they will have no adverse impact on Appellants. Neither this project, nor the proposed changes fall into this definition of a Site Plan Adjustment. CEQA review should have been conducted to address the original project and definitely should be applied to these proposed modifications."*

Staff Response: The property is governed by Coastal PD Permit (Case No. PL17-0084). Changes to an approved discretionary permit requires a Site Plan Adjustment, Minor Modification or Major Modification, pursuant to CZO Section 8181-10.4.2. Under this provision, any change to a permit that would not alter any of the findings made pursuant to Section 8181-3.5, nor any findings of approval for the permit, or any findings contained in the environmental document prepared for the project and would not have any adverse impact on the subject site or surrounding properties, may be deemed a site plan adjustment and acted upon by the Planning Director without a hearing.

In accordance with CZO Section 8181-3.5, Required Permit Findings, the following standards must be met.

- a. The proposed development is consistent with the intent and provisions of the County's Certified LCP;
- b. The proposed development is compatible with the character of surrounding development;
- c. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located;

- d. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses;
- e. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare.

As stated in Sections D, E, and F of this staff report (above), the proposed project is consistent with the intent and provisions of the CZO and the Coastal Area Plan and is therefore consistent with the County's Certified LCP. (See CZO Section 8171-6 [the LCP consists of the CZO and Coastal Land Use Plan].) The proposed driveway and fence are replacing existing development that is compatible with the character of surrounding development. The project is not a conditionally permitted use. With the exception of the driveway apron, the proposed project is located entirely within the Applicant's property and complies with the development standards for fences, including the required clear sight triangle adjacent to a street. Therefore, the proposed project is not considered obnoxious or harmful, nor would it impair the utility of the neighboring property or uses. Finally, there is no evidence that the proposed development would be detrimental to the public interest, health, safety, convenience, or welfare. Therefore, this ground of appeal is without merit.

5. Appellant's Ground of Appeal No. 5:

"The avoidance of CEQA compliance by piecemealing the project is a serious issue and cannot be ignored. The Elliotts' property is located significantly within the ESHA buffer from the Rincon Creek estuary and its riparian habitat. The White and Elliott lots both are 60 feet wide. The required buffer is 100 feet from the edge of the ESHA (not just from the creekbed). The three (3) Monterey cypress trees are entirely within the ESHA buffer. As can be seen from the attached photograph (Attachment #1), the local bird population uses these trees as part of the riparian vegetation that comprises the ESHA."

Staff Response: See response to Grounds of Appeal No. 3 (above) regarding piecemealing.

Rincon Creek is located approximately 100 feet north of the project site. The Appellant's residence sits in-between Rincon Creek and the Applicant's property. The cypress tree in question is located approximately 75 feet south of the creek on the Appellant's property and adjacent to the Appellant's and Applicant's common property line. The Coastal Area Plan (CAP) Creek Corridors Policy 1 requires all projects on land either in a stream or creek corridor or within 100 feet of such corridor (buffer area) to be sited and designed to prevent impacts which would significantly degrade riparian habitats and be compatible with the continuance of such habitats. The proposed Project, the replacement of an existing driveway and fence, would occur in previously developed areas, and would not impact Rincon Creek. Concerns regarding impacts to the trees, vegetation, and bird populations will be adequately addressed as part of the conditions for approval. (See

Exhibit 10, Condition Nos. 1, 19, 20, and 21.) Therefore, this ground of appeal is without merit.

6. Appellant's Ground of Appeal No. 6:

"The protected root zones of all three Monterey cypresses extend well onto the Elliott property. The root zone as measured pursuant to Coastal Zoning Ordinance §8178-7.4.3 extends under most of the Elliot house. The Elliotts' arborist opined that the cypress roots may not extend that far, but his opinion was not based upon any evidence and did not comply with the County ordinance requirements for measuring protected root zones."

Staff Response: Pursuant to CZO Section 8178-7.4.3, the tree protected zone is the area that encompasses the above-ground portion of the protected tree as well as the area in which a critical amount of the tree's roots may be found. The tree protected zone calculation can be a circle no less than 15 feet from the trunk of the tree, multiplying the tree's diameter in inches by one and a half feet, or a circle that extends a minimum of five feet from the tree's dripline. CZO Section 8178-7.5.2.1 requires a Zoning Clearance with inspection for development that encroaches less than 10 percent into a protected tree's tree protection zone, with a prerequisite that a certified arborist or qualified tree consultant submit the following, in writing:

1. The purpose of the encroachment, degree of encroachment within the tree protected zone, recommendations to avoid and minimize potential impacts to tree roots during construction, in accordance with CZO Section 8178-7.4.4, Project Construction Standards, and a statement that the proposed encroachment is not expected to result in permanent damage to the protected tree.

CZO Section 8178-7.4.4 (d) contemplates paving or the installation of fence posts near protected trees and requires work that encroaches into the tree's protected zone to be constructed using only hand-held tools.

As stated in the Response to Grounds of Appeal No. 4, the property is governed by Coastal PD Permit (Case No. PL17-0084) and any changes require a Site Plan Adjustment, Minor Modification or Major Modification; otherwise the project would qualify for a Zoning Clearance with Inspection.

The Arborist Field Report dated March 5, 2021 and amended on August 6, 2021 (Exhibit 9) was completed by certified arborist Bill Spiewak, and states that excavation for fence posts will be done manually. Further, all ground disturbing activities will be monitored by the arborist until the proposed work is complete. These recommendations are included as conditions of approval (Exhibit 10, Condition Nos. 1, 20, and 21). Therefore, this ground of appeal is without merit.

7. Appellant's Ground of Appeal No. 7:

"In summary, Appellants object to the proposed project changes because these changes violate the CEQA requirement that projects not be piecemealed to avoid the environmental consequences of presenting the entire project in a single application and because of the damage to Appellants' property and enjoyment thereof. These project changes, approved without adequate environmental review, modify the project in such a way that it now extends beyond the project premises and threatens protected tree roots, and none of these changes are essential for the use and enjoyment of the improvements already approved by the County."

Staff Response: See response to Grounds of Appeal Nos. 1, 2 and 3 (above). Therefore, this ground of appeal is without merit.

8. Appellant's Ground of Appeal No. 8:

"Appellants again raise the issue of compliance with the County's Coastal Zoning Ordinance because Appellants believe that the proposed changes do not comply with Section 8181-10.4, which describes the three (3) types of discretionary permit modifications -- Site Plan Adjustment, Minor Modification, and Major Modification. The ordinance describes "site Plan Adjustment" as "a minor change to the coastal development permit that . . . would not have any adverse impact on the subject site or surrounding properties." Reducing the Appellants' long-existing 6-foot high privacy and security fencing and replacing the portion of the fence that abuts the public street with a 3-foot high fence will have a significant adverse impact on Appellants' property. Any intruder can easily jump a 3-foot high fence to access the Appellants' yard and house entrance. We attach an October 22, 2015 letter from Coastal Commission staff, concluding that if any proposed change exceeds the criteria of a Site Plan Adjustment, a Minor or Major Modification is the appropriate procedure and requires a public hearing."

Staff Response: See Sections D and F of this staff report and response to Grounds of Appeal No. 4 (above). Therefore, this ground of appeal is without merit.

9. Appellant's Ground of Appeal No. 9:

"Summary of Objections to Significant Project Modifications and Require Substantive Changes to the Conditions Approved by the Planning Commission in 2018"

The proposed changes, and the staff's decision to approve them, are not supported by substantial evidence in the record."

Staff's Response: The administrative record supports the Planning Director's approval of Site Plan Adjustment (Case No. PL21-0035) as indicated in Exhibits 1 through 13. Therefore, this ground of appeal is without merit.

10. Appellant's Ground of Appeal No. 10:

"The proposed changes piecemeal the project to circumvent adequate CEQA review."

Staff Response: See response to Grounds of Appeal No. 3 (above). Therefore, this ground of appeal is without merit.

11. Appellant's Ground of Appeal No. 11:

"The proposed condition modifications render the conditions inadequate and now conflict with County and Coastal Commission policies. These revised conditions supplant and circumvent the determinations made by the Planning Commission at its December 13, 2018, hearing on Appellants' first appeal."

The condition modifications undermine the permit conditions approved by the Planning Commission and, most particularly, the conditions that protect biological resources, the three cypress trees and the estuary, riparian vegetation, and wetland buffer area for the Lower Rincon Creek and the lagoon that is part of the estuary. These changes also would allow the Elliott project to extend beyond the project site boundaries, to the detriment of Appellants and their property. Appellants currently enjoy the privacy and security of their existing fence and do not consent to any modification to the fence and associated landscaping. They also have a limited, but adequate, access roadway from Puesta Del Sol into their property. That will change with these propose changes.

Proposed site plan modifications are inappropriate because these project changes would pose a threat to Coastal Zone biological resources located in the wetland buffer of the Lower Rincon Creek lagoon.

The project site and scope are not accurately described or depicted.

Potential impacts on biological resources are omitted from staff's analysis because no substantial environmental review was utilized.

The revised site plan fails to accurately describe the facts on the ground: biological resources, ESHA buffers, protect trees and rootzones, activities under the project house next to distressed wooden piers from 1959, inaccurate description and location of the fence, that is partially located on Appellants' property and serves as an essential security and privacy barrier, missing or inadequate baseline elevations and potential for water displacement during flooding."

Staff Response: The Project Description (Condition No. 1 included in Coastal PD Permit (Case No. PL17-0084)) states, "No ground disturbance is proposed as all new development is located within the existing building footprint." This project description was

specific to the construction of a second story addition. The current proposal will result in ground disturbance (see Section A.9, Project Description, above).

The appellant has provided no evidence that the project site or scope of work are not accurately described or depicted in the application documents. See response to Grounds of Appeal Nos. 2 and 5 (above). Therefore, this ground of appeal is without merit.

12. Appellant's Ground of Appeal No. 12:

Errors and Omissions in Site Plan Description

"The 100-foot estuary buffer and ESHA are not depicted."

Staff Response: Article 2 Definitions included in the CZO define buffer area as the areas within 100 feet of the boundary of any environmentally sensitive habitat area. The proposed project is more than 100 feet from Rincon Creek.

See Response to Grounds of Appeal No. 5 (above). Therefore, this ground of appeal is without merit.

13. Appellant's Ground of Appeal No. 13:

"Protected root zones of 3 Cypress trees, required to be measured using County specifications, are not depicted."

Staff's Response: See Response to Grounds of Appeal No. 5 and 6 (above) and Arborist Field Report dated March 5, 2021 and amended on August 6, 2021 (Exhibit 9). The report does show trench lines with exposed roots relative to the distance of the property line on the Project site. Therefore, this ground of appeal is without merit.

14. Appellant's Ground of Appeal No. 14:

"All three dimensions of the existing fence and the proposed changes are not depicted."

Staff's Response: See Section A.9 Project Description and Response to Grounds of Appeal No. 2. The licensed surveyor has shown the surveyed property line depiction on plans and the project plans show the elevation view of the fence. A third dimension is not

a requirement of the County permit processing or review. Therefore, this ground of appeal is without merit.

15. Appellant's Ground of Appeal No. 15:

"No driveway baseline elevations are provided so it is impossible to ensure that the new driveway will not be substantially larger in footprint and/or higher in elevation."

Staff Response: See Site Plan (Exhibit 6). The driveway will be reconstructed between two fixed points, the floor of the carport and Puesta del Sol. Any change in baseline elevation will not be substantial (personal conversation with Jim O'Tousa, PWA, Engineering and Development Services, March 1, 2022) or materially change the County's review of the project scope of work. Therefore, this ground of appeal is without merit.

16. Appellant's Ground of Appeal No. 16:

"Original Condition #1 mandates that the project will not extend beyond parcel boundary, but the revised site plan shows proposed new activity that extends to fifteen feet (15') beyond the Elliotts' property line."

Staff Response: "Original Condition #1" is from Coastal PD Permit (Case No. PL17-0084) and reflects that permit's project description as the approved limit of development. The current proposal includes a driveway apron that extends into Puesta del Sol and has been authorized by RPPOA. See Site Plan (Exhibit 6) and Response to Grounds of Appeal No. 1. Therefore, this ground of appeal is without merit.

17. Appellant's Ground of Appeal No. 17:

"The carport location is not depicted on the plans and the four original pilings that are intended to support the house, are not clearly identified."

Staff Response: The building footprint (which includes the carport) is shown on the Site Plan (Exhibit 6). The four original pilings are beneath the residence and are not part of the proposed scope of work for the Site Plan Adjustment. Therefore, this ground of appeal is without merit.

18. Appellant's Ground of Appeal No. 18:

"The applicant has not submitted a survey of the proposed new driveway so it is impossible for the County to determine precisely how and where the proposed project modifications will encroach into the shared access roadway upon which the Appellants rely to access their property. The result, of course, is that the County also won't be able

to control the precise size of the driveway and its encroachment into the shared access roadway.”

Staffs Response: See Site Plan (Exhibit 6) and Response to Grounds of Appeal No. 1 regarding the licensed survey. Further, the applicant must complete the project description per the site plan modification approval, including all conditions of approval. Failure to install the driveway as depicted would result in a permit inconsistency subject to enforcement of performance standards. Therefore, this ground of appeal is without merit.

19. Appellant’s Ground of Appeal No. 19:

Arborist Letter of August 6, 2021 Overlooks Essential Information

“The arborist who submitted the latest tree report failed to fully investigate and describe the potential impacts of the project changes on the fence line between the Elliott and White properties. Apparently, the arborist failed to notice the large four-inch root (from cypress tree #3) that runs over the ground surface, extends under fence between the properties and under the Elliott house into the leach field area. A photograph of this root is included as Attachment 4.”

Staffs Response: A trench was not excavated along the fence line to determine the location of tree roots. The root growth the appellant is referring to is on the appellant’s property and likely extends to the Elliott’s property. Recommendations to avoid tree roots and monitoring of all construction activities have been included in Condition Nos. 1, 20 and 21 (Exhibits 9 and 10). Therefore, this ground of appeal is without merit.

20. Appellant’s Ground of Appeal No. 20:

Errors, Inconsistencies and Omissions from Conditions of Approval

“Original Condition #1, approved by the Planning Commission in 2018, stated, “No ground disturbance is proposed, and foundation work is authorized. The project will not extend beyond the boundaries of the subject property.

As noted above, the revisions will push this project well beyond the Elliott property line and will directly and adversely impact Appellants and their property by treating the fence on their property as the property of the applicants. While the fence straddles the shared property line, and therefore lies on both properties, the northerly portion is largely on the White property and no binding condition may be applied to the Whites’ property.

Planning Commission Hearing Resolution R-18-19 stated, “No grading and no ground disturbance is proposed.

That has changed significantly with the proposed revisions.

The project changes include significant ground disturbance in ESHA and the ESHA buffer, including the removal and enlargement of the Elliotts' driveway and the new concrete slab within the building footprint, all of which will involve earth disturbance, the impacts of which were not analyzed before approval of the project changes. If a proper CEQA analysis had been conducted, the County and the Appellants could better identify the potential environmental impacts.

The project revisions will result in extension of the project beyond the Elliotts' property line. This corner of Puesta del Sol is already subject to multiple constraints, as described in Appellants' letter dated May 13, 2021 (Exhibit 11).

The original Condition 4 required that all project work involving ground disturbance would be subject to Condition 2 regarding compliance with County's Tree Protection Regulations set forth in the Ventura County Coastal Zoning Ordinance. It also incorporated the May 1, 2018 tree protective measures submitted to the County arborist Duke McPherson.

These requirements reassured Appellants that their concerns about tree root damage had been addressed.

The proposed new Conditions 20 and 21 no longer comply with the Ventura County Coastal Zoning Ordinance. Instead, it appears that County staff is applying the significantly less restrictive Non-coastal Zoning Ordinance provisions. This has significantly reduced or eliminated the strict requirements applicable to this Coastal Zone project and Appellants fear that protected trees will be deprived of Coastal Zone preservation measures.

Mistakes from the original project application persist in the revised site plan, although Appellants were assured that the staff planners would rectify these mistakes and omissions. With these changes, there is no acknowledgment of the ESHA and the ESHA buffer zone ESHA; and, no acknowledgement of tree root zone protections as mandated in the Coastal Zoning Ordinance; and, no mention of the three protected Cypress Trees and the presence of their roots on the Elliott project site' project and Appellants fear that protected trees will be deprived of Coastal Zone preservation measures."

Staff's Response: Site Plan Adjustment (Case No. PL21-0035) Condition Nos. 20 and 21 both cite to the relevant tree protection provisions of the CZO, Section 8178-7 et seq. Condition No. 20 also includes an incorrect citation to the tree protection provisions of the Non-Coastal Zoning Ordinance (NCZO), Section 8107-25 et seq. The tree protection conditions are applied in both coastal and non-coastal areas, and the reference to the NCZO was incorrectly included. Regardless, Condition No. 20 correctly states that its purpose is to comply with the correct CZO sections, Section 8178-7 et seq., so the error

is harmless (Exhibit 10). See Response to Grounds of Appeal Nos. 1, 2, 4, 6 and 11. Therefore, this ground of appeal is without merit.

Note, Duke McPherson is not the County arborist and instead was retained by the Appellant.

21. Appellant's Ground of Appeal No. 21.

The ALTA Survey Fails to Depict Essential Elements of the Two Properties and Shared Components Such as Protected Tree Roots and the Fence Historically Maintained by Appellants and their Predecessors in Title.

"The survey identifies a portion of fence as chain-link. It is not chain-link. It is a temporary 3-foot high wire fence attached to metal stakes by plastic ties. There is no foundation or footing for the stakes or the fence.

*The shared fence in this northerly area is largely on Appellants' property. It is only **partially** on the Elliott property. Because the owner of Appellants' property were polite to their neighbor and placed the posts on Appellants' side of the fence, most of the disturbance involved in the post removal will occur on Appellants' property, to which Appellants object. Just as the applicants failed to disclose relevant facts in their initial project application, all of the facts pertaining to these proposed project changes are NOT disclosed, nor are the impacts to Appellants' property. Appellants don't want their existing fence ON THEIR PROPERTY to be removed and replaced. They particularly do not consent to the proposed height reduction to three (3) feet above grade on the portion of the fence that lies on their property, either entirely or partially, thereby depriving them of the privacy and security that they have enjoyed for decades in their yard. Neither do they consent to their existing fence posts being removed.*

The survey fails to include the baseline elevation for the driveway area and the carport foundation, making it impossible to regulate the amount of earth disturbance and potential grade change to provide for a new concrete driveway and pedestrian paving squares, which will require installation of a base to secure the pavers."

Staff Response: See Response to Grounds of Appeal Nos. 2 and 15. Therefore, this ground of appeal is without merit.

Note, the description of the material of the existing fence does not change the plan review of the proposed project.

22. Appellant's Ground of Appeal No. 22.

Looking Back, Certain Events that Occurred During the Original Application Process Foretold the Elliotts' Intent to Utilize Piecemealing to Accomplish their Objectives.

"First Portend: In communications between Appellants and Appellants' counsel and County staff and Planning Commissioners, Appellants pointed out that the Elliotts' application was incomplete and lacked important and relevant information regarding the project and the project site.

One such communication included the following statement, which was ignored by County staff in their analysis of the project: "The applicant has not been forthcoming about the potential Project impacts from the outset. The applicant-provided information on the application, signed by the applicant and the Project architect, fails to disclose several key facts about the Project and its potential impacts: (a) at F.8 (e) of the application (Surface Water Quality), there is no disclosure that there are no gutters on the current house and none are proposed and that the surface water from the site flows directly into Rincon Creek; (b) at F.21 (Existing Physical Features and Development), there is no identification of the proximity of the ESHA, the ESHA buffer, the riparian habitat, the estuary, the wildlife habitat, the debris flow, the periodic flooding, and the close proximity (within the 100-foot buffer) of the Project to the creek; and (c) at F.24 (Protected Trees), the applicant says "No." How can you miss the 3 enormous Monterey cypress in your viewshed?" This glossing over the truth and failure to be transparent was the first red flag for the Elliott project."

Staff Response: The Appellant is referring to the Discretionary Application for Coastal PD Permit (Case No. PL17-0084) which was approved by the Planning Commission on December 13, 2018. The Site Plan Adjustment application (Exhibit 12) does not require the level of detail that the discretionary permit application does. The relevant inquiry for your Commission's decision is set forth in CZO section 8181-10.4.2. (See response to Ground of Appeal No. 4.)

In response to rain gutters, California Building Code (Table 1809.7, footnote 13), states that when buildings are located on expansive soil having an expansion index greater than 50, gutters, downspouts, piping, and/or other non-erosive devices shall be provided to collect and conduct rainwater to a street, storm drain, or other approved watercourse or disposal area. According to the Carpinteria Sanitary District South Coast Beach Communities Septic to Sewer Project Final and Supplemental Environmental Impact Reports, the sandy nature of the clay soil encountered at Rincon Point is generally considered to have moderate plasticity. Based on those results the clayey soil

encountered at Rincon Point will have low to moderate expansion potential. Therefore, no rain gutters are required.

See Response to Grounds of Appeal No. 5.

Response to F.24 (Protected Trees) was stated as “No” because there are no protected trees on the Elliot property. Therefore, this ground of appeal is without merit.

23. Appellant’s Ground of Appeal No. 23.

“Second Portend: During the early days following Appellants’ original appeal, County staff and the Elliotts and their legal counsel approached Appellants, proposing that Appellants sign a binding agreement that would prevent Appellants from raising any objections to the original project and any future projects on the Elliott site. Appellants refused to agree to this proposed agreement.”

Staff Response: County staff was not involved in a request to have the Appellant’s sign a binding agreement. Further, binding agreements between property owners are outside the purview of the Planning Division. Therefore, this ground of appeal is without merit.

24. Appellant’s Ground of Appeal No. 24.

“Third Portend: Appellants hoped that the project, as approved and conditioned in 2018, would be the end of Elliott projects, but they were advised one day, by a worker, that future changes were in store in the portion of the shared access roadway that serves Appellants’ home. Soon after, Appellants were presented with a portion of a landscape plan depicting encroachments into the roadway, including substantial new planting proposed to be placed in front of the Elliott home and blocking Appellants’ accessway. After Appellants contacted County planning staff and expressed their concerns about preserving their existing accessway, the next plan they saw was the one approved by County staff to revise the Elliott project by replacing the Elliotts’ driveway while blocking a portion of Appellants’ access and replacing the shared fence.”

Staff Response: During the processing of the Site Plan Adjustment application, the Applicants took into consideration the Appellants concerns and revised the plans (Exhibit 6). The Appellant was notified and sent the documents from the re-submittal. Therefore, this ground of appeal is without merit.

25. Appellant’s Ground of Appeal No. 25.

“Fourth Portend: Recently, County planning staff planners declared that the landscape planting that the Elliotts formerly proposed within the roadway would be pursued through a subsequent roadway encroachment permit - another piecemealing of the project. As depicted on the landscape plan reviewed by Appellants, Appellants’ driveway entrance would be partially blocked so that delivery trucks, fire trucks, moving vans, and similar

vehicles could not enter safely. This kind of impediment would significantly impair Appellants' use and enjoyment of their home and would reduce the value of their property. Appellants have a valid easement that neither the County nor the Elliotts have a right to block or constrict."

Staff Response: During the processing of the Site Plan Adjustment application, the Applicants took into consideration the Appellants concerns and revised the Site Plan to include the property lines, fencing elevations, easements and drainage patterns to the street. (Exhibit 6). Therefore, this ground of appeal is without merit.

26. Appellant's Ground of Appeal No. 26.

"Fifth Portend: Now we have major project revisions, including an entirely new driveway that will negatively impact Appellants' accessway by disrupting parking patterns and circulation. These new additions to the project should have been included in the initial application so their cumulative impacts could be properly analyzed and described to the decision makers."

Staff Response: Cumulative impacts result from incremental changes caused by past, present, or reasonably foreseeable actions together with the project. As an example, the cumulative effect of development in an urban setting can result in changes in water flows and water quality, and increased sediment and contaminant runoff. The proposed Project is the replacement of an existing driveway which will not preclude Appellant access and not change their parking patterns or circulation. Construction activities will occur in previously developed areas with no expansion of impervious surfaces. Therefore, this ground of appeal is without merit.

See Response to Grounds of Appeal No. 1.

27. Appellant's Ground of Appeal No. 27.

"The incremental modification of the Elliott project site meets CEQA's definition of piecemealing projects to circumvent adequate environmental review [it bears repeating that the project has never had environmental review. In conducting initial environmental review of a proposed project, the "whole of an action" must be described and analyzed. A complete project description is necessary to ensure that the environmental impacts of the entire project are considered. City of Sanfee v. County of San Diego (1989) 214 Cal.App.3d 1438. A lead agency may not split a single large project into smaller ones that result in piecemeal environmental review that fails to consider the environmental consequences of the entire project. East Sacramento Partnership for a Livable City v. City of Sacramento (2016) 5 Cal.App. Sth 281.

The improper use of the Site Plan Adjustment process in this instance seriously undermines protections for biological resources [tree root protections and ESHA]."

Staff Response: See Response to Grounds of Appeal Nos. 3 and 4. Further, the cited cases do not change the analysis on piecemealing set forth in response to Grounds of Appeal No. 3. Therefore, this ground of appeal is without merit.

28. Appellant's Ground of Appeal No. 28.

The Proposed New Project Changes Conflict with the Original Project Conditions and the County's Coastal Zoning Ordinance.

"The proposed Site Plan changes contradict and undercut the environmental protections included in the following conditions, adopted by the Planning Commission for the original project:

Condition 1, which states: "no grading or vegetation removal is proposed"; "no ground disturbance is proposed" and the project "will not extend beyond the boundaries of the subject property".

Condition 4, which states: "Any foundation work at the Project site shall require a modification of this Coastal PD permit. Staff repeatedly assured Appellants that the project would include "no undergrounding." The proposed project changes include excavation in the carport area for the laying of a new concrete slab despite the original conditions, rendering Appellants' front yard impossible to secure, and pulling out existing fence posts that are buried in concrete. All of the proposed excavation, however shallow, could disturb fragile old pilings that have never been properly analyzed for seismic risks. Of equal concern is the increased probability that the Monterey Cypress' roots will be damaged unnecessarily in this process.

Condition 20, which states: "The Project is not expected to impact the root system of the Cypress tree or any other trees... Roots in excess of two inches shall be protected to the maximum extent feasible". During the Planning Commission hearing, Appellants were promised that the recommendations of Arborist Duke McPherson would be followed, with the root zones clearly delineated and overseen by a neutral arborist. The proposed project changes have significantly undermined those requirements."

Staff Response: Condition Nos. 1, 4 and 20 are specific to Coastal PD Permit (Case No. PL17-0084). Ground disturbance was not required to construct the second story addition in accordance with Coastal PD Permit (Case No. PL17-0084).

Conditions 1, 20 and 21 for Site Plan Adjustment (Case No. PL21-0035) addresses ground disturbing activities (Exhibit 10). The applicants have also submitted an Arborist Report (Exhibit 9) which includes hand excavation and onsite monitoring. In the event large roots are encountered (greater than 1' in diameter) the location of fence posts will be adjusted and if necessary, the proposed fence will be cantilevered over root zones.

29. Appellant's Ground of Appeal No. 29.

"Appellants object to the proposed appeal fee and will pay the fee under protest in order to expedite this appeal. Staff contends that the project revisions can't be appealed to the Coastal Commission, so Appellants are required to incur a substantial fee for this appeal. That is wrong. Under County ordinances, projects with a potential for significant environmental impacts ARE appealable to the Coastal Commission so those fees should be waived."

Staff Response: According to the Planning Division's Fee Schedule, adopted annually by the Board of Supervisors, no coastal appeal fee is required if the project is appealable to the Coastal Commission, unless the Coastal Commission approves an ordinance amendment authorizing a fee. The California Coastal Commission has stated in writing approval of a Site Plan Adjustment is not appealable to the Commission (Exhibit 13). Therefore, the Appellant was required to submit \$1,000 to file the appeal.

30. Appellant's Ground of Appeal No. 30.

"VC Coastal Zoning Ordinance Sec. 8174-6.2.5 b. 2 provides

"c. Pursuant to Section 13250 of Title 14 of the California Code of Regulations, the following improvements to existing single-family dwellings require a coastal development permit because they involve a risk of adverse environmental effects:

1. Improvements to a single-family structure if the structure or improvement is located: on a beach, in a wetland, seaward of the mean high tide line, in an ESHA, in an area designated as highly scenic in a certified land use plan, or within 50 feet of the edge of a coastal bluff;

2. Any significant alteration of landforms including removal or placement of vegetation, on a beach, wetland, or sand dune, or within 50 feet of the edge of a coastal bluff, or in ESHAs."

Staff Response: See Response to Grounds of Appeal No. 4, the subject parcel is not located in ESHA, as it is located in previously disturbed and developed land.

G. APPEAL FEES

Pursuant to the current Board of Supervisors adopted Planning Division Fee Schedule, a \$1,000 appeal fee is required. If the appeal is fully upheld, all fees paid by the appellant shall be refunded. If the appeal is upheld in part, the decision-making body hearing the appeal shall determine at the time the decision is rendered what portion of the appeal charges should be refunded to the appellant. Therefore, should your Commission uphold this appeal in part, your actions must include a determination regarding the appropriate refund to the appellant, if any.

H. APPELLANT'S RECOMMENDED ACTIONS:

The Appellants request that your Commission reject the proposed project and reverse the decision of the Planning Director.

I. STAFF'S RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Commission take the following actions:

1. **CERTIFY** that the Planning Commission has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
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;
4. **GRANT** Site Plan Adjustment (Case No. PL21-0035) to Coastal PD Permit (Case No. PL17-0084), subject to the conditions of approval (Exhibit 10);
5. **DENY** the Appeal submitted by the Appellant, and do not refund appellant's appeal fees; and
6. **SPECIFY** that the Clerk of the Planning Commission is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

The decision of the Commission is final unless appealed to the Board of Supervisors within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Board of Supervisors to review the matter at the earliest convenient date.

County Counsel has reviewed this Staff Report.

If you have any questions concerning the information presented above, please contact Angela Georgeff at (805) 654-5097 or Angela.Georgeff@ventura.org.

Prepared by:


Angela Georgeff, Case Planner
Residential Permits Section

Reviewed by:


Dave Ward, AICP, Director
Ventura County Planning Division

EXHIBITS

- | | |
|------------|---|
| Exhibit 2 | December 13, 2018, Planning Commission staff report |
| Exhibit 3 | February 15, 2018, Planning Director staff report |
| Exhibit 4 | August 18, 2021, Planning Director Approval Letter |
| Exhibit 5 | Appellant's Grounds of Appeal |
| Exhibit 6 | Site Plan |
| Exhibit 7 | Agreement with the Rincon Point Property Owners Association |
| Exhibit 8 | Documentation from Easement Holders |
| Exhibit 9 | Arborist Field Report dated March 5, 2021, and amended on August 6, 2021 |
| Exhibit 10 | Final Conditions of Approval for Site Plan Adjustment |
| Exhibit 11 | October 7, 2020, ALTA/NSPS Land Title Survey |
| Exhibit 12 | Site Plan Adjustment Application |
| Exhibit 13 | October 22, 2015, California Coastal Commission Letter, Appealability of Permit Modifications |