



Appeal Form

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • www.vcrma.org/divisions/planning

Appeal Number: _____

To: ☒ Board of Supervisors
☐ Planning Commission
☐ PWA Advisory Agency

I hereby appeal the decision of the Planning Commission, which was given on
May 5, 2022.

The decision was as follows:

Denial of appeal.

The grounds of appeal are (attach extra sheets as needed):

The project has been piece-mealed in violation of CEQA, resulting in the project appearing to have fewer environmental impacts than actually will be occurring. The Planning Commission on December 13, 2018 approved enlargement of an existing residence at 8120 Puesta Del Sol, Carpinteria, CA, owned by Greg and Michelle Elliot. In response to an appeal filed by Appellants Douglas and Jaleh White, the Planning Commission instructed County staff to beef up the conditions to ensure that no ground disturbance would be allowed in order to protect 3 magnificent heritage trees located on the Whites' property. Staff mistakenly characterized the project as a Site Plan Adjustment. See attached.

I request that the appropriate decision making body take the following action:

Grant the appeal and disapprove the project as proposed. The project extends out onto and partially blocks Appellants' access easement; Appellants do not consent to that encroachment nor to the proposed ground disturbance.

Name of Appellant: Douglas and Jaleh White

Address of Appellant: 8128 Puesta Del Sol, Carpinteria, CA 93013

Telephone Number of Appellant: (805) 684-1561

Is the appellant a party in the application? No . If not, state the basis for filing the appeal as an "aggrieved person."

Appellants own and live in the property at 8128 Puesta Del Sol, which abuts the project site and has 3 protected heritage trees that are subject to being damaged or killed as a result of the ground disturbance proposed with this project.

Appellants also protest the \$1,000 charge for the appeal to the Planning Commission and the additional \$1,000 charge for this appeal.

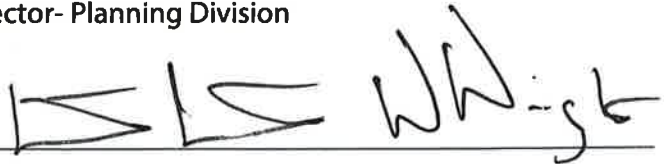


Signature of Appellant

5/12/2022
Date

Appeal and deposit fee of \$ 1000 (pursuant to fee schedule specified by Resolution No. 222 of the Ventura County Board of Supervisors) received by the Planning Division at 1:50 (time) on May 13, 20 22.

Dave Ward, AICP
Director- Planning Division

By 

MAY 13 '22 PM 1:45



The iconic Monterey Cypress trees at the mouth of Rincon Creek are a scenic natural resource that defines views of Rincon Point and should be protected for future generations. We urge

the County of Ventura to ensure that the three Monterey Cypress Trees located at 8128 Puesta del Sol are not harmed by development, consistent with State and local regulations.



Date	Printed Name	Signature	City of Residence
11/02/18	Dynise Thompson	<i>[Signature]</i>	carpinteria
11/2/18	Louise Hansen	<i>[Signature]</i>	Carpinteria
11/3/18	Susan Williams	<i>[Signature]</i>	Carpinteria
11-3-18	Karen Rodriguez	<i>[Signature]</i>	Carpinteria
11/3/18	melissa Rodriguez ^{FOWLER}	<i>[Signature]</i>	Carpinteria
11-3-18	JIM REGINATO	<i>[Signature]</i>	CARPINTERIA
11-3-18	GARY CAMPOPIANO	<i>[Signature]</i>	CARPINTERIA
11-3-18	Geri Campopiano	<i>[Signature]</i>	Carpinteria
11/3/18	Vanessa VanDerKam	<i>[Signature]</i>	Carpinteria
11/3/18	Cecilia Brito-Giles	<i>[Signature]</i>	Carp
11/3/18	FRANK ROSE	<i>[Signature]</i>	CARP.
11-7-18	Leanna Rose	<i>[Signature]</i>	CARP



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Date	Printed Name	Signature	City of Residence
11-3-80	MONTE DOMINGUEZ	Monte Dominguez	CARP SB
11-3-80	LUPE UNGUETA	Lupe Ungueta	CARP SB
11-3-8	Summer Stetson	Summer Stetson	ventura
11-3-18	Tom Bollinger	Tom Bollinger	Carp
11-3-18	Pam Bollinger	Pam Bollinger	Carp
11-3-18	Rick Stetson	Rick Stetson	VTA
11-3-2018	Elijah Van zee	EJZ	SB, carp
11/3/18	William Reyner	WR	Carpinteria
11/3/18	Alexandra Reyner	A Reyner	Carp. SB
11/3/18	JASON REYNER	JA	CARP SB
11/3/18	ERICK DASILVA MATOS	ERICK DASILVA MATOS	CARP
11/3/18	Michael McEttrick	Michael McEttrick	Meiners Oaks



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Date	Printed Name	Signature	City of Residence
11-03-18	Leslie Gascoigne	<i>Leslie Gascoigne</i>	Carpinteria
11/3/18	George Johnson	<i>George Johnson</i>	Carpinteria
11/3/18	NANCY SCHOFENFELD	<i>Nancy Schofenfeld</i>	Carpinteria
11/3/18	MATT OLIVER	<i>Matt Oliver</i>	Carpinteria
11/3/18	ROGER GILBERT	<i>Roger Gilbert</i>	CARP
11/3/18	Jasmine Gilbert	<i>Jasmine Gilbert</i>	Carpinteria
11-3-18	Amanda Gilbert	<i>Amanda Gilbert</i>	Carpinteria
11-3-18	PETE HAGGARD	<i>Pete Haggard</i>	Carpinteria
11-3-18	KAREN JANICK	<i>Karen Janick</i>	CARP
11/3/18	Vanessa Wythe	<i>Vanessa Wythe</i>	Santa Barbara
11/3/18	Lee Wilson	<i>Lee Wilson</i>	S.B.
11/3/18	BORIS ISSER	<i>Boris Isser</i>	Carpinteria



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Date	Printed Name	Signature	City of Residence
11/2/2018	AMRITA M. SALM	<i>[Signature]</i>	Carpinteria
11/2/18	Charisse Matiz Cordova	<i>[Signature]</i>	Carpinteria
11/2/18	Betty Songer	<i>[Signature]</i>	Carpinteria
11/2/18	Toni Stuart	<i>[Signature]</i>	Carpinteria
11/2/18	SUSAN ANDERSON	SUSAN ANDERSON	Carp.
2/18	LESLIE WESTBROOK	<i>[Signature]</i>	Carpinteria
11/3/18	April Ueoka	<i>[Signature]</i>	Carp
11/3/18	Elizabeth R. Patsch	<i>[Signature]</i>	Carpinteria
11/3/18	Jill Bailard	<i>[Signature]</i>	Carpinteria
11/4/18	christie boyd	<i>[Signature]</i>	carpinteria
11/4/18	Sean Boyd	<i>[Signature]</i>	Santa Monica
11/4/18	Mora Nabi	<i>[Signature]</i>	Santa Monica



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Date	Printed Name	Signature	City of Residence
11-3-18	William Taylor	[Signature]	Rincon Point Carpinteria, CA
11-3-18	Barb Palmer	[Signature]	Jefferson, NY 12093
11-3-18	Malia Kresser	[Signature]	Monterey, CA
11-3-18	Tracy Thomas	[Signature]	Rincon Point Carpinteria, CA
11/3/18	Susan Finnigan	[Signature]	Rincon Point Carpinteria, CA
11/3/18	Lane Donlon	[Signature]	Carp., CA
11/4/18	Carville Herrick	[Signature]	Santa Ynez, CA
11-4/18	Tim Finnigan	[Signature]	Rincon Point
11/4/18	MARTA ULVAEUS	[Signature]	Rincon Point, Carp. CA
11/4/18	MARILYN ULVAEUS	[Signature]	Rincon Point Carp. CALIF.
12/7/18	Thomas Dugan	[Signature]	Carpinteria
12/7/18	Carolyn Dugan	[Signature]	Carpinteria



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Date	Printed Name	Signature	City of Residence
12/8/18	Chloe Rose	<i>Chloe Rose</i>	Oak View
12/8/18	Kirk Blackburn	<i>Kirk Blackburn</i>	Costa Mesa
12/9/18	Jacob Burghart	<i>Jacob Burghart</i>	Los Angeles
12/9/18	Bruce Rapp	<i>Bruce Rapp</i>	Santa Barbara
12/9/18	Karen Yoon	<i>Karen Yoon</i>	Santa Barbara
12/9/18	Suzanne Goodman	<i>Suzanne Goodman</i>	Ventura
12/9/18	Michael Goodman	<i>Michael Goodman</i>	Ventura, CA
12/9/18	Zariana Hayes	<i>Zariana Hayes</i>	Carpinteria, CA
12/9/18	Anahise Dullen	<i>Anahise Dullen</i>	Santa Barbara CA
12/9/18	Alicia Valenzuela	<i>Alicia Valenzuela</i>	Santa Barbara CA
12/9/18	Tyler Steele	<i>Tyler Steele</i>	Encino Ca
12/9/18	Amir Kolabashi	<i>Amir Kolabashi</i>	Malibu CA



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Date	Printed Name	Signature	City of Residence
11/4/2018	CATHERINE OVERMAN	C. Overman	CARPINTERIA
11/4/2018	Peggy L Shannon	Peggy L Shannon	Carpinteria
11/4/2018	Maureen Claffey	[Signature]	Carpinteria
11/4/18	JAMES CLAFFEY	[Signature]	CARPINTERIA
11/4/18	Duffy Hecht	Duffy Hecht	Carpinteria
12/7/18	Manfred Bauer	[Signature]	Cos Angeles
12/7/18	LISA MYERS	[Signature]	New York
12/8/18	VANESSA PERONIA	[Signature]	MADEIRA
12/8/18	Naure Cali	[Signature]	Venice
12/8/18	KAREN Solomon	[Signature]	Summerland
12/8/18	Eliot Hodges	[Signature]	Carpinteria
12/8/18	Sophie Haber	[Signature]	Carpinteria



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Section III – Entitlement/Zone Change/Subdivision Application Questionnaire

County of Ventura • Resource Management Agency • Planning Division
800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2478 •
<http://www.ventura.org/rma/planning>

III.A. Requested Entitlement, Zone Change, and/or Subdivision

Please check all entitlements, subdivisions, and/or zone change of which you are requesting approval.

New	Major Modification	Minor Modification		New
			Tract Map (SD and TR)	Zone Change (ZN)
			Parcel Map (SD)	Variance (LU)
			Parcel Map Waiver (SD)	Administrative Variance (LU)
			Conditional Certificate of Compliance (SD)	Other
			Conditional Use Permit (LU)	
			X Planned Development Permit (LU)	

III.B. Project Description Summary

Please provide a brief summary of the proposed project.

Renovation of/addition to existing 1950s single family residence. First floor renovation of 2 bedrooms, 3 baths and laundry. Addition of new stair to new second floor which stacks above existing first floor footprint and contains 2 bedrooms and 1 bath.

III.C. Assessor Parcel Numbers ("APNs") and Project Site Location

C.1. Please list all of the APNs that constitute the project site:

008-0-170-200

(Attach additional sheets if necessary.)

C.2. Street Address (if any): 8120 Puesta Del Sol, Carpinteria, CA 93013

C.3. Community (e.g., El Rio, Piru, or Lake Sherwood): Rincon Point, County of Ventura

STAFF USE ONLY

CASE FILE NUMBER: _____	Date Received: _____
Land Use Designation(s): _____	Zoning Designation(s): _____
Receipt Number: _____	Deposit Fee Paid: _____
Previous Permit Numbers: _____	Violation Numbers: _____
Pre-Submittal Planner: _____	Date of Application Submittal: _____
Pre-Submittal Letter Date: _____	Legal Lot Reference: _____
Proposed Use as Listed in the Use Matrix: _____	

III.D. Primary Contact Information

Please designate and provide the following information about the person who will serve as the primary point of contact on this project. All project-related correspondence will be directed to this person.

Name: Scott Boydstun

Phone Number: (805) 648 - 1234

Mailing Address: 21 S. California St, Fourth Floor
Ventura, CA 93001

Email Address: sboydstun@ra-arch.com

Fax Number:

III.E. Applicant, Property Owner, and Consultant Information

Please provide the following information about the applicant, property owner, and all consultants (e.g., architects, civil engineers, surveyors, and permit expeditors) who prepared the application materials (e.g., plans, reports, and studies). For the person designated as the primary contact (Item D, above), please state: "Same as Primary Contact." If the item does not apply to your project, please check the "N/A" box and proceed to the following item.

E.1. Applicant

The applicant is: (Please check the appropriate box.)

Owner

Lessee

Has Power of Attorney

Authorized by Owner X

If the applicant is not the property owner(s), **please submit a lease agreement, power of attorney document, or owner authorization document** with your application.

Name: Scott Boydstun

Phone Number: (805) 648 - 1234

Mailing Address: 21 S. California St, Fourth Floor
Ventura, CA 93001

Email Address: sboydstun@ra-arch.com

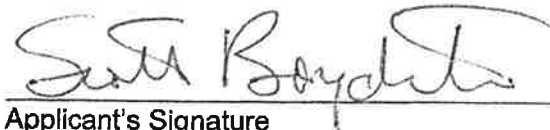
Fax Number:

I hereby submit an application for the land use entitlement(s) and/or zone change identified in this application questionnaire, and certify that the information and exhibits submitted herewith are true and correct to the best of my knowledge.

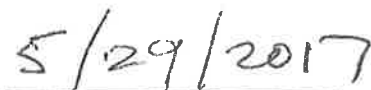
I certify that I have read and understand all of the instructions and submittal requirements for my application package and have made a good faith effort to comply with these instructions and to provide all of the materials and information that are required for a complete application.

I hereby acknowledge that I have been informed of my right to make a written request to the County to receive notice of any proposal by the County to adopt or amend a general or specific plan, or a zoning ordinance or other ordinance affecting building or grading permits, prior to action on said item.

I certify that I am aware that the information provided in my application package may be subject to public inspection that occurs as a result of any request made in accordance with the requirements of the California Government Code [§6253(a) et seq].



Applicant's Signature



Date

E.2. Property Owner

If the property owner is the same as the applicant (Item E.1, above), write "same." If there is more than one property owner, **please submit a consent letter for each additional property owner.** If the property owner refuses or is unable to sign, **please provide a copy of the lease, title report, or other documentation.**

Name: *Gregory Elliott*

Phone Number: *713 341 5733*

Mailing Address: *2148 Tran Rd, Houston, TX 77019*

Email Address: *gelliott@sterlinggroup.com*

Fax Number: *713 871 1824*

[Handwritten Signature]
Property Owner's Signature

5-29-17
Date

E.3. Architect

Name: Rasmussen & Associates

Phone Number: (805) 648 - 1234

Mailing Address: 21 S. California St, Fourth Floor
Ventura, CA 93001

Email Address: *sboydstun@ra-arch.com*

Fax Number:

E.4. Civil Engineer

Name: N/A

Phone Number:

Mailing Address:

Email Address:

Fax Number:

E.5. Licensed Land Surveyor

Name: Prober Land Surveying

Phone Number: (805) 452-9690

Mailing Address: 645 Flora Vista Drive,
Santa Barbara, CA 93109

Email Address: *plssb@cox.net*

Fax Number:

E.6. Land Use Consultant

Name: N/A

Phone Number:

Mailing Address:

Email Address:

Fax Number:

COUNTY OF VENTURA

**AUTHORIZATION OF AGENT
TO ACT ON PROPERTY OWNER'S BEHALF**

I hereby authorize the person identified below to act as my agent to apply for, sign, and file the documents necessary to obtain the permits required for my project (excluding the *Notice to Property Owner*, the execution of which I understand is my personal responsibility). My agent should receive copies of all notices and communications related to my project unless I have otherwise notified the County.

Project Description: Renovation of/addition to existing single-family residence

(Include Permit # if available)

Project Location: 8120 Puesta Del Sol, Carpinteria, CA 93013

APN: 008-0-170-200

(Address, APN and other property identification as needed)

Name of Authorized Agent: Scott Boydston

(Please Print)

Address of Authorized Agent: 21 S. California St, Fourth Floor, Ventura, CA 93001

Phone Number of Authorized Agent: (805) 648 - 1234

E-Mail Address of Authorized Agent: sboydstun@ra-arch.com

PROPERTY OWNER ACKNOWLEDGEMENT

I declare under penalty of perjury that I am the property owner for the address listed above and I personally filled out the above information and certify its accuracy. Further, I agree that I and my agent will abide by all ordinances of the County of Ventura and that any approvals granted for this project will be carried out in accordance with the requirements of the County of Ventura.

Property Owner's Name: Gregory L. Elliott

(Please Print)

Property Owner's Signature: [Signature]

Date: 5-29-17

Property Owner's E-Mail Address: gelliott@sterling-group.com

Property Owner's Phone Number: 713 341 5733

Note: A copy of the owner's driver's license, notarization, or other verification acceptable to the agency must be submitted with this form to verify property owner's signature. The owner must be as shown on the latest Assessor records.

Verification of Property Owner Signature: ☐ Driver License ☐ Notarized Letter ☐ Other

Staff Signature

Date

COUNTY OF VENTURA

**AUTHORIZATION OF AGENT
TO ACT ON PERMITTEE'S BEHALF***

I hereby authorize the person identified below to act as my agent to apply for, sign, and file the documents necessary to obtain the permits required for my project. My agent shall receive copies of all notices and communications related to my project unless I have otherwise notified the County.

Project Description: _____

(Brief Summary to Include Permit No., If Available)

Project Location: _____

(Address, APN and other property identification as needed)

Name of Authorized Agent: _____
(Please Print)

Address of Authorized Agent: _____

Phone Number of Authorized Agent: _____

E-Mail Address of Authorized Agent: _____

PERMITTEE ACKNOWLEDGEMENT

I declare under penalty of perjury that I am the permittee for the project at the address listed above, and I personally filled out the above information and certify its accuracy. Further, I agree that I and my agent will abide by all ordinances of the County of Ventura and that any approvals granted for this project will be carried out in accordance with the requirements of the County of Ventura.

Permittee's Name: _____
(Please Print)

Permittee's Signature: _____ Date: _____

Permittee's E-Mail Address: _____

Permittee's Phone Number: _____

* A notarized letter from the permittee may be submitted in lieu of this form.

III.F. Project Description

To ensure County staff understands your project and to avoid delays in processing your application, it is very important to provide as much information as possible on all aspects of the proposed project. In order to present a detailed project description, please answer all of the following questions and provide the requested materials (as applicable) to supplement the project information that must be shown on the project plans and/or map.¹

F.1. Entitlements, Zone Change, and/or Approvals

- a. Existing Permits: List all Federal, State, or Ventura County permits which currently are in effect for the buildings, structures, and uses that currently exist on the project site. If Zoning and Building Permits are unavailable for a building or structure, please contact the Tax Assessor's Office to determine when the building or structure was constructed and provide the date. If there are no permits currently in effect on the project site, please check the "N/A" box and proceed to Item F.1.b. **N/A**

Agency	Permit Case Number	Description of Permitted Use/Development	Permit Issuance Date	Permit Expiration Date
		SEE ATTACHED LIST		

- b. Requested Permits, Actions, and Approvals: Please identify all of the Planning Division, other County Agencies, responsible agencies, and trustee agencies permits, actions, and approvals that you are requesting in order to implement the proposed project.² If the project involves a modification to any previously approved permit (e.g., local, State, or Federal permit), please describe the previously approved permit (e.g., type of permit and permit number).

Planned Development Permit,
Flood Plain Permit

- c. Zoning Violations:

(1) Is the project site currently subject to any Federal, State, or Ventura County violations? **Yes** **No X**
If so, please provide the following information:

¹ See the "Requirements for Discretionary Entitlement Application Plans, Subdivision Maps, and Parcel Map Waiver Sketch Maps" checklist for the information that must be shown on project plans and/or the map. Please note that a detailed, narrative project description may be submitted with—but not in lieu of—a completed application questionnaire.

² For a definition of "responsible" and "trustee" agencies, please see the *State CEQA Guidelines* [California Code of Regulations, Title 14, Chapter 3, §15381 and §15386].

Agency	Violation Case Number	Description of the Violation

- (2) If the project is being proposed in order to abate a Zoning Violation, please describe how the proposed project would abate the Zoning Violation. For projects that do not involve a Zoning Violation, please check the "N/A" box and proceed to Item F.1.d. **N/A X**

- d. **Zone Changes:** For projects involving a Zone Change, please provide the proposed changes in land use and/or zoning designations of the project site. For projects that do not involve a Zone Change, please check the "N/A" box and proceed to Item F.1.e. **N/A X**

Assessor's Parcel Number	Existing Zoning Designation	Proposed Zoning Designation

- e. **Variances:** If the project includes a request for approval of a variance, please provide the following information. For projects that do not involve a variance, please check the "N/A" box and proceed to Item F.2. **N/A X**

The sole purpose of any variance is to relieve a property owner from an inability to make reasonable use of his or her property in the manner, and for the purpose, which other property of like character, and in the same vicinity and zone, can be used. A variance will not be granted which confers a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone in which the property is situated. All four of the following standards for a variance must be met; please describe how each one pertains to your property (use additional sheets as necessary).

- (1) There are special circumstances or exceptional characteristics applicable to the property with regard to size, shape, topography, location, or surroundings which do not apply generally to comparable properties in the same vicinity and zone classification. You must demonstrate that extraordinary circumstances exist on the property itself, such as:
- Uniqueness in size, shape, etc.
 - That topography is the cause of a particular hardship.

-
- That the location is of a special nature.
 - That there is a hardship unique to the property itself, and not a personal problem of the applicant.

- (2) Granting the requested variance will not confer a special privilege inconsistent with the limitations upon other properties in the same vicinity and zone.
- Show that there are related uses on other properties in the same zone.
 - Please be aware that similar variances granted for property elsewhere in the County are not grounds for granting a variance.

- (3) 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.

- (4) Granting of the requested variance will not be detrimental to the public health, safety, or general welfare, nor to the use, enjoyment, or valuation of neighboring properties. Provide evidence that granting your request will not impose any hardship or damage on neighboring properties, nor be detrimental to the public welfare.

F.2. Project Phasing/Duration

- a. Development Phasing: Please describe the duration of each phase of the proposed project including, but not limited to, vegetation removal, grading, construction, and operational phases of the project.

Single phase construction, 8 months

- b. Conditional Use Permit Expiration Date: For projects that involve a Conditional Use Permit ("CUP"), please state the requested expiration date of the CUP (i.e., the termination of the operational phase of the CUP). For projects that do not involve a CUP, please check the "N/A" box and proceed to Item F.2.c. **N/A X**

- c. Special Events: For projects involving special events (e.g., weddings, animal shows, and pumpkin patches), please provide the following information. For projects that do not involve special events, please check the "N/A" box and proceed to Item F.3. **N/A X**

Type of Event:

Days and Hours of Operation:

Total Number of Events/Year:

F.3. Self-Imposed Restrictions

- a. Existing Restrictive Covenants: Is the property (or a portion thereof) subject to a Restrictive Covenant?
Yes No X

If the answer is "Yes," please submit a copy of the Restrictive Covenant.

- b. Please describe any features that have been incorporated into the project description to avoid any adverse environmental impacts and/or to achieve consistency with a policy or regulation that applies to the project (e.g., self-imposed prohibitions on future ministerial uses of the property). If the project includes a restrictive covenant, please describe the following features of the restrictive covenant:
- The purpose of the restrictive covenant (e.g., avoidance of a significant impact to biological resources or geological hazards);
 - The type of areas that would be subject to the restrictive covenant (e.g., wildlife habitat areas located adjacent to the project site); and,
 - The amount of area that would be subject to the restrictive covenant.

F.4. Dedications/Easements

Please describe in detail the type, size, and purpose of all proposed dedications (e.g., road, utility, or habitat conservation easements). **N/A**

There is a 40' road easement for Puesta Del Sol that extends to the northern property line of the building, but does not encroach into the property. There is an easement along the southern part of the property for recreational purposes relating to the beach front. This is indicated on our site plan.

F.5. Water Supply

- a. What is the existing source of water at the project site? Please check the item that applies and, if a water purveyor provides water, please provide the requested information about the water purveyor:³

(1) Water Purveyor **X**

Water Purveyor's Name: Casitas Municipal Water District

Address: 1055 Ventura Ave., Oak View, CA 93022-9622

Phone Number: (805) 649-2251

(2) Individual Water Well **N/A**

(3) Shared Water Well **N/A**

- b. What is the size of the water tank/reservoir that serves the project site? gallons
- c. Please provide the fire flow that is available to the project site: GPM @ 20 PSI Residual
- d. Please identify the Groundwater Basin or State Designated Hydrologic Area in which the project site is located. Please indicate if the project site is located within the boundaries of any water management authority (e.g., the Ojai Basin Groundwater Management Agency, the Fox Canyon Groundwater Management Agency, or the Santa Paula Pumpers Association).
- e. Please list all known water wells onsite or offsite that would supply the project, including any municipal, industrial or agricultural supply wells.⁴ If the project would not rely on a water well, please check the "N/A" box and proceed to Item F.5.E. **N/A X**

³ In order to identify the water purveyor that serves the project site, please see the Watershed Protection District's "Inventory of Public and Private Water Purveyors in Ventura County" (March 2006) which is available at the Watershed Protection District, Groundwater Section.

⁴ For projects that are located within the boundaries of the Fox Canyon Groundwater Management Agency (FCGMA), FCGMA Ordinance No. 8.1 requires that before drilling a new water well, a completed water well permit application must be submitted. The FCGMA "No Fee Water Well Permit Application" form is available on-line at: <http://www.fcgma.org/downloads>.

f. For projects that are proposed to rely on public water, **please submit three copies of a water availability letter from the water company** indicating that existing/future domestic water service is available for the proposed project. The water availability letter must show that the water purveyor has additional groundwater to serve the total annual water supply that is required for the project. This letter is required when the water supply is to be provided by a city, water district, mutual water company, privately owned water company or with five or more service connections, or similar supplier.⁵ If the project would not rely on public water, please check the "N/A" box and proceed to Item F.5.g. **N/A X** See attached bill

g. For projects that are proposed to rely on an individual or shared water well, please submit the following information. If the project would not rely on an individual or shared water well, please check the "N/A" box and proceed to Item F.5.h. **N/A X**

(1) **Please submit three copies of a well water quality report which includes testing results obtained within the last year.**⁶ This report is required when the domestic water supply is to be provided by an individual well or a well shared by four or fewer connections (including the proposed connection for the project).

(2) **Please submit three copies of a water well pump and recovery test (well test) of the proposed water supply.**⁷

h. Please provide a detailed description of the proposed water source for fire protection purposes, by answering the following questions and providing the following information:

(1) Is the source of water for fire protection purposes going to be provided by a private well or purveyor?
Private Well Purveyor

If water is going to be provided by a purveyor, please provide the following information. If water is not going to be provided by a private well, please proceed to Item F.5.h(1)(b).

(a) Purveyor Name:

Address:

Phone Number:

(b) Size of the water tank/reservoir that serves the water system: gallons

⁵ A water bill may be used in lieu of a letter for existing service for some projects; however, please contact Melinda Talent at (805) 654-2811 and Rick Viergutz at (805) 654-4083 to determine if a water bill may be used for the proposed project.

⁶ Please see the County of Ventura, Resource Management Agency, Environmental Health Division's "Certification of Water Quality" handout, which is available at the Environmental Health Division's Public Information Counter.

⁷ Please see the Watershed Protection District, Groundwater Section, for the methodology and reporting requirements for a water well pump and recovery test.

- (c) Fire flow that is available at 20 PSI-R from the water system at the nearest fire hydrant to the project site: _____ gpm

F.6. Sewage Disposal

- a. What is the existing source of sewage disposal? Please check the item that applies. If a sewer purveyor provides sewage disposal services, please provide the requested information about the sewer purveyor. If an on-site wastewater treatment system provides sewage disposal, please indicate the type of system by checking the appropriate box.

(1) Public Sewer ☒ Sewer Purveyor's Name: Carpinteria Sanitary District
Address: 5300 Sixth Street
Phone Number: Carpinteria, CA 93013

(2) On-site wastewater treatment system ☒ N/A

- (a) Septic System
(b) Treatment Plant
(c) Grey Water System
(d) Step (Septic Tank Effluent Pumping) Systems

- b. Subdivisions and other discretionary projects having a direct effect upon the volume of sewage are required to demonstrate conformance with the Ventura County Sewer Policy.⁸ This policy does not apply to the construction of one single-family residence or second dwelling unit on a legal lot. If your project only involves the construction of one single-family residence or second dwelling unit on a legal lot, please check the "N/A" box and proceed to Item F.6.c. ☒ N/A
- c. Public sewer: If the property is/will be served by public sewer, **provide three copies of a sewer availability letter** from the sanitation district, city, or other sewer agency, indicating that existing/future sewer service is available for the proposed project. A sewer bill may be used in lieu of a letter for existing service for some projects. If the property is not/will not be served by public sewer, please check the "N/A" box and proceed to Item F.6.d. ☒ N/A See attached bill.
- d. On-site wastewater treatment system (e.g., "septic system" or "treatment plant"): If the project is/will be served by on-site sewage disposal, **provide the following information:**

- (1) **Three copies of a Septic Tank Pumping Report** for all existing septic systems located on the project site.⁹

⁸ Please see the Ventura County Sewer Policy (Adopted on June 6, 1995), which is available at the Environmental Health Division counter or on-line at <http://www.ventura.org/rma/envhealth/technical-services/land-use>.

⁹ Please see the County of Ventura, Resource Management Agency, Environmental Health Division's "Septic Tank Pumping Report" handout, which is available at the Environmental Health Division counter or on-line at <http://www.ventura.org/rma/envhealth/technical-services/land-use>.

(2) **Three copies of a soils report** for septic system suitability for proposed septic systems.¹⁰

If the property is not/will not be served by on-site sewage disposal, please check the "N/A" box and proceed to Item F.6.e. **N/A X**

- e. For commercial projects and subdivisions involving three or more lots less than five acres in size, applicants must contact the Los Angeles Regional Water Quality Control Board to obtain the waste discharge requirements that will apply to the project. Please contact the Los Angeles Regional Water Quality Control Board at (213) 576-6600 for more information.

F.7. Groundwater Resources

- a. If necessary,¹¹ please **provide a percolation plan and calculations** to demonstrate sufficient measures will be incorporated into the project design to assure that the proposed project would not result in a net reduction in aquifer recharge. Specific measures that may be incorporated into the project include, but are not limited to: reduction of impervious surface areas; construction of detention/percolation ponds; use of porous paving materials; diversion of runoff to sheet flow over landscaped areas; landscape drainage swales; and, soil amendment techniques to enhance percolation. All proposed impervious surfaces (e.g., parking areas, sidewalks, and buildings), must be itemized in the calculations. If a percolation plan and calculations are not required, please check the "N/A" box and proceed to Item F.7.b. **N/A X**
- b. If necessary,¹¹ please **submit data on the quantity of past groundwater use and proposed groundwater use**. Please be advised that you must show how any potential increase in water demand caused by the proposed project would be mitigated such that there would be no net increase in groundwater usage and no net detriment to the underlying aquifer volume, recharge capability, or quality. Securing another source of water (e.g., reclaimed water or providing "new water" such as imported water, or water from other sources) would be considered an acceptable mitigation measure to offset potential increases in the demand for groundwater. If data on groundwater use is not required, please check the "N/A" box and proceed to Item F.7.c. **N/A X**
- c. Please contact the Watershed Protection District, Groundwater Section to determine if the project site overlies an overdrafted groundwater basin. If the project site overlies an overdrafted groundwater basin, please list the name of the groundwater basin. If the project site does not overlie an overdrafted groundwater basin, please check the "N/A" box and proceed to Item F.8. **N/A X**

Groundwater Basin:

¹⁰ Please see the County of Ventura, Resource Management Agency, Environmental Health Division's "Soils Report Requirements" handout, which is available at the Environmental Health Division counter or on-line at <http://www.ventura.org/rma/envhealth/technical-services/land-use>.

¹¹ Please contact the Watershed Protection District, Ground Water Section, to determine if a percolation plan and calculations, or data on groundwater use are required.

F.8. Surface Water Quality

The following questionnaire will only determine if the proposed project is subject to Ventura Countywide NPDES Municipal Stormwater Permit Order No. R4-2010-0108, Part 4.E "Planning and Land Development Program" requirements to select, design, construct, and maintain Post-construction Stormwater (PCSW) controls. Additional evaluation of the proposed project will be conducted to determine any additional individual and cumulative impacts by the proposed project to surface water quality.

- a. Does this proposed project involve construction of street(s), road(s), highway(s), or freeway adding or creating 10,000 square feet or more of **impervious surface area** (refer to the Definition below)?
- ☐ **Yes**, this project shall incorporate USEPA Guidance "Managing Wet Weather with Green Infrastructure: Green Streets" to the maximum extent practicable. For additional information refer to <http://onestoppermit.ventura.org> under Surface Water Quality Section's "Guidelines/Standards".
- ☒ **No**, proceed to item F.8.b
- b. Is this application for construction of a Single Family Hillside¹² Home?
- ☐ **Yes**, this project shall include Post-Construction Requirements for Single-Family Hillside Homes. For additional information refer to <http://onestoppermit.ventura.org> under Surface Water Quality Section's "Guidelines/Standards".
- ☒ **No**, proceed to item F.8.c
- c. Is the proposed project located within the County Unincorporated Urban areas?
- ☒ **Yes**, proceed to item F.8.d
- ☐ **No**, this proposed project is not subject to PCSW controls.
- d. Is this application for a New Development project that will result in creation or addition of **impervious surface area** (refer to the Definition below)?
- ☐ **Yes**, proceed to item F.8.e
- ☒ **No**, proceed to item F.8.f
- e. Please check the appropriate box if the proposed New Development project involves any of the following activities:
- ☐ **Yes**, New Development project equal to 1 acre or greater of disturbed area and adding more than 10,000 square feet of **impervious surface area** (refer to the Definition below);
- ☐ **Yes**, Industrial park 10,000 square feet or more of surface area;
- ☐ **Yes**, Commercial strip mall 10,000 square feet or more of **impervious surface area** (refer to the Definition below);
- ☐ **Yes**, Retail gasoline outlet 5,000 square feet or more of surface area;
- ☐ **Yes**, Restaurant 5,000 square feet or more of surface area;
- ☐ **Yes**, Parking lot 5,000 square feet or more of **impervious surface area** (refer to the Definition below), or with 25 or more parking spaces;
- ☐ **Yes**, Automotive service facility 5,000 square feet or more of surface area;

¹² "Hillside" is defined as average slope of 20% or greater.

- ☒ **Yes**, a project located in or directly adjacent to, or discharging directly to an Environmentally Sensitive Area¹³ (ESA), where the development will:
- A) Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and
 - B) Create 2,500 square feet or more of **impervious surface area** (refer to the Definition below).
- ☐ **No**, none of the above; this proposed New Development project is not subject to PCSW Controls.

If you check "Yes" in at least one box above (item F.8.e), proceed to item F.8.h for required project submittal information.

- f. Is proposed project a Redevelopment and land-disturbing activity (not an interior remodel, not a roof replacement, or other maintenance-related activities) of an existing single-family dwelling and accessory structures that will result in creation, addition, or replacement of 10,000 square feet of **impervious surface area** (refer to the Definition below)?

- ☐ **Yes**, the PCSW controls are required; for project submittal information refer to item F.8.h
- ☒ **No**, proceed to item F.8.g

- g. Is proposed Redevelopment and land-disturbing activity (not maintenance) project other than existing single-family dwelling that will result in creation, addition, or replacement of 5,000 square feet of **impervious surface area** (refer to the Definition below) on already developed site¹⁴?

- ☐ **Yes**, the PCSW controls are required; for project submittal information refer to item F.8.h
- ☒ **No**, this Redevelopment project is not subject to PCSW controls.

- h. If you answered "YES" to questions in items F.8.f and F.8.g, the proposed project is subject to design, construction, and maintenance of the PCSW controls in accordance with the Ventura Countywide Technical Guidance Manual (TGM) for Stormwater Quality Control Measures (available at <http://www.vcstormwater.org/technicalguidancemanual.html>). The following items shall be included in your application package:

- I. Identify proposed PCSW controls on your site/grading plan,
- II. Provide the necessary analysis in your Drainage Study to demonstrate that the PCSW controls will function as proposed including any applicable stormwater quality design flow or volume calculations for proposed treatment device(s) using applicable "Design Procedure Form" (Appendix G of the Technical Guidance Manual), and
- III. Submit a Post-Construction Stormwater Management Plan (PCSWMP)¹⁵.

DEFINITION:

Impervious Surface Area - A hard surface area which either prevents or retards the entry of water into the predevelopment soil mantle. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, impermeable concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of

¹³ For complete ESA information, call the Water Quality Engineer at (805) 662-6737.

¹⁴ To determine if proposed project meets definition of Redevelopment project, the already developed site shall meet at least one of the criteria listed in items F.8.a or F.8.e. For additional information, call the Water Quality Engineer at (805) 662-6737.

¹⁵ County of Ventura PCSWMP form is available at <http://onestoppermit.ventura.org> under Surface Water Quality Section's "Forms" tab. For additional information, call the Water Quality Engineer at (805) 662-6737.

stormwater. For complete definition refer to the 2011 Ventura Countywide Technical Guidance Manual for Stormwater Quality Control Measures available at <http://www.vcstormwater.org/technicalguidancemanual.html>.

For more information refer to <http://onestoppermit.ventura.org> under Surface Water Quality Section or call Water Quality Engineer at (805) 662-6737.

The copy of the Ventura Countywide Technical Guidance Manual (TGM) for Stormwater Quality Control Measures is available at <http://www.vcstormwater.org/technicalguidancemanual.html>.

F.9. Floodplain Management¹⁶

- a. If the project, including any site grading, is proposed to be located within a 100-year floodplain but the floodplain boundaries and 100-year base flood elevation on the property have not been determined by FEMA on the Flood Insurance Rate Map (i.e., referred to as an Unnumbered/Approximate 'A' flood zone), a California-licensed Civil Engineer will need to submit hydrologic and hydraulic analyses that determine the boundaries, base flood elevation, and velocity of the 100-year floodplain and, if applicable, the Regulatory Floodway. A California-licensed Land Surveyor can provide current topography of the property as part of the submitted engineering analyses. If the project is not located within an Unnumbered/Approximate 'A' flood zone, please check the "N/A" box and proceed to Item F.9.b. **N/A**
- b. If the project, including site grading, is proposed to be located in close proximity to a boundary of a Regulatory Floodway or a boundary of a 100-year floodplain, as delineated on the current ('Effective') or latest FEMA-issued ('Preliminary') Flood Insurance Rate Map, a California-licensed Civil Engineer, Architect, or Land Surveyor will need to submit a scaled site plan, using current topography, verifying the location of the proposed project in relation to the floodway/floodplain boundary. Please proceed to F.9.c; however, if the project is not located within a floodway/floodplain, please check the "N/A" box and proceed to Item F.9.d. **N/A** See attached survey
- c. If the project is proposed to be located within a 100-year floodplain, please list all proposed structures (habitable and non-habitable, site grading, and any new or replacement utilities and services (electrical, mechanical, heating, ventilation, plumbing). Please proceed to F.9.d.
Existing building footprint, impervious areas & grading to remain. Existing utilities and services to remain.
- d. If the project is proposed to be located within the Silver Strand or Hollywood Beach coastal communities, specifically, please provide the following elevation information.¹⁷ If the project is not located within these communities, please check the "N/A" box. **N/A X**

(1) Elevation (Mean Sea Level) of the localized flooding spillpoint for the subject property: msl.

(2) Elevation (Mean Sea Level) of the crown of fronting street (measurement taken at mid-point of the property frontage): msl.

¹⁶ County of Ventura Floodplain Management Ordinance, Title 44 Code of Federal Regulations Sections 59, 60, 65, and 70.

¹⁷ Please see the Public Works Public Information Counter to obtain an instruction handout.

F.10. Geology, Site Grading, and Drainage

- a. If the project involves site grading activities, please provide the following information. For projects that do not involve grading activities, please check the "N/A" box and proceed to Item F.10.b. Please be advised that **all projects involving new construction require the submission of three copies of a soils report.**
N/A X

(1) Please provide the following statistics on the proposed site grading activities:

- (a) Area to be graded: sq. ft. acres
- (b) Slope ratio of steepest finished slope (horizontal feet/each vertical foot):
- (c) Height of highest finished slope (from top to bottom): ft.
- (d) Please state whether or not the graded soil is proposed to be balanced on-site during construction, or proposed to be reused during the landscaping phase of the project.

- (e) If the proposed project would result in the export of materials, please provide the following information. If the project does not involve the export of materials, please check the "N/A" box and proceed to Item F.10.a(1)(f). **N/A**

(i) Types of materials to be exported:

(ii) Location to which excess materials would be transported:

(iii) Proposed truck route to the location where the materials would be transported:

- X (f) If the proposed project would require the import of materials, please provide the following information. If the project does not involve the import of materials, please check the "N/A" box and proceed to Item F.10.a(1)(g). **N/A**

(i) Types of materials to be imported:

X (ii) Location from which the materials would be imported:

(iii) Proposed truck route from the materials site to the proposed project site:

(g) For all projects involving new construction or grading activities, **please submit three copies of a soils report.** If the project does not involve new construction or grading activities, please check the "N/A" box and proceed to Item F.10.a(1)(h). **N/A**

(h) For all projects involving new construction or grading and that are located within a hillside or Geologic Hazard Area, **please submit three copies of a geology report.** If the project does not involve new construction or grading in any of these areas, please check the "N/A" box and proceed to Item F.10.a(1)(i). **N/A**

(i) Please describe any features that have been included in the project description to control the creation of dust.

b. **Please submit four copies of a drainage study,** if the project would result in: a change in the amount of impervious area within the project site; any change on local drainage patterns; a subdivision; and/or any additional storm water runoff onto adjacent property or public roads. If the project does not require a drainage study, please check the "N/A" box and proceed to Item F.11. **N/A X**

The drainage study must conform to the following requirements and must include (but is not limited to) the following information:

(1) The drainage study must be prepared, signed, and stamped by a California Registered Civil Engineer.

X (2) The drainage study must conform to the Ventura County Road Standards, as well as the Watershed Protection District's standard, which is that there must not be an increase in peak runoff rate in any storm frequency.¹⁸

¹⁸ For a checklist of the requirements for drainage studies, please see the Watershed Protection District's "Requirements for CEQA Hydrology Submittals," which is available at vcwatershed.org (select Resources/Hydrology Info), and the Ventura County Road Standards, which are available at the Transportation Department Public Counter.

*Water Quality
Increase in peak runoff*

(3) The drainage study must:

- (a) Calculate and address the potential increase in the peak runoff rate that would be generated by the proposed project;
 - (b) Describe all proposed and existing drainage facilities;
 - (c) Identify if the project would generate additional storm water run-off onto adjacent private property or any public road right-of-way;
 - (d) Identify if the drainage from the project site would be directed or tie into the existing storm drain facilities/ditches;
 - (e) Identify if the project would result in any change on local drainage patterns; and,
 - (f) Identify if the capacity of the existing local drainage facility is adequate to accept the peak runoff created by the project.
- (4) The drainage study must include all hydrology and hydraulic calculations used in preparing the drainage plan. The hydrology and hydraulic calculations must be prepared according to the Ventura County Flood Control District Hydrology Manual and the Ventura County Public Works Agency, Transportation Department's, Road Standards.¹⁹

F.11. Trip Generation N/A

a. Traffic Studies: **A traffic study is required** for projects that have the potential to create impacts to:

- The State Route (SR) 118/SR 34 intersection, SR 34, SR 118 in the Somis Area, Santa Rosa Road, Moorpark Road, and SR 33 in the Casitas Springs Area; and/or,
- County thoroughfares, state highways, and intersections that are operating below level of service D.

A traffic study may also be required for:

- Any project that is estimated to generate 10 or more peak-hour trips. Examples of projects that would generate 10 or more peak-hour trips include:
 - Residential development of 10 units or more;
 - Commercial office projects of 4,400 square feet or more;
 - Other commercial projects or medical office projects of 2,400 square feet or more;
 - Any fast food restaurant project; and,
 - Manufacturing or industrial projects of 6,000 square feet or more.
- With unclear project descriptions, and on land uses that are not represented in the ITE Trip Generation Manual or the SANDAG Brief Guide of Vehicular Traffic Generation Rates.

¹⁹ Please check the Transportation Department Requirements for drainage study submittals. A checklist of requirements may be obtained from the Public Counter.

- For temporary construction projects with construction periods exceeding six months generating more than 10 peak hour trips or 100 daily trips.²⁰

If a traffic study is required for the proposed project, please complete a "Work Scope for Traffic Impact Analysis" form and submit it to the Transportation Department for review and approval—prior to preparing the Traffic Study. Please contact the Permit Intake Coordinator for the "Work Scope for Traffic Impact Analysis" form.

- b. Was a traffic study prepared for the proposed project? Yes No X

If so, **please submit three copies of the traffic study.** If not, please summarize the trip generation estimates for the proposed project by completing the following table by using the trip generation information provided by the Permit Intake Coordinator:

Trip Generation Estimates								
Land Use	Trip Generation Code ²¹	Size/Number of Units	Average Daily Trips (ADT)		Peak Hour Trips			
			Rate	Trips	A.M.		P.M.	
					Rate	Trips	Rate	Trips
Existing Trip Generation Estimates								
TOTAL			---		---		---	
Proposed Project Trip Generation Estimates								
TOTAL			---		---		---	

- c. If the proposed project involves the legalization of a lot or a currently unpermitted land use, please answer the following question. If not, please check the "N/A" box and proceed to Item F.11.d. **N/A X**

Does the proposed project involve the renewal of an entitlement for, and an expansion of, a land use that existed prior to 1985? Yes No

If the answer is "yes," **please provide documentation that indicates the land use existed prior to 1985.**

²⁰ For more information, please see the Transportation Department's Traffic Impact Study and SR 118 and SR 34 Procedures for Initial Screening brochures, which are located at the Public Works Agency, Engineering Services Department, Development and Inspection Services Division's Public Counter. Also, please be advised that if a project has the potential to generate traffic that would affect a city's roadway network, the traffic study will need to address the city's requirements for traffic studies.

²¹ Trip generation estimates should be based on the SANDAG Vehicular Traffic Generation Rates which can be found on line at: http://www.sandag.org/uploads/publicationid/publicationid_1140_5044.pdf. To convert Truck trips to Passenger Car Equivalent (PCE), it should be multiplied by three.

- d. For agricultural, commercial, institutional, and industrial projects, please state the number, type (e.g., deliveries), and frequency of vehicle trips that will result from the proposed project. For all other projects, please check the "N/A" box and proceed to Item F.11.e. **N/A X**

Vehicle Type	Number	Frequency (per day)
TOTAL		

- e. **Traffic Control Plan:** For projects that involve special events (e.g., weddings, festivals, animal shows, and pumpkin patches), or any detour, road closures, or partial road closures on County Roads, **please submit a Traffic Control Plan** written by a traffic control professional, which includes the following information.

- (1) The use of trained and qualified traffic control officers (off-duty safety officers);
- (2) Advance warning and changeable message boards; and
- (3) Any other measures as appropriate.

If the project does not require a Traffic Control Plan, please check the "N/A" box and proceed to Item F.12.
N/A X

F.12. Hazardous Materials/Waste and Fire Protection

- a. With the exception of applications that only involve Zone Changes (i.e., applications that do not include an accompanying discretionary entitlement or subdivision application), **please submit a completed "Certification Statement of Hazardous Waste/Substance Site"** which is included with this application packet. If the application only involves a Zone Change, please check the "N/A" box and proceed to Item F.12.b. **N/A**

- b. For non-residential projects, please describe the type and quantity of hazardous materials (e.g., motor oil, oil filters, paints, solvents, fertilizers, or chemicals) and wastes utilized and/or stored on-site, by providing the following information. For residential projects, please check the "N/A" box and proceed to Item F.12.c.
N/A X

Hazardous Material or Waste	DOT Hazard Classification	IBC/IFC Hazard Class	Largest Container/ Tank (ft ³ , lbs., or gal.)	Total Amount (ft ³ , lbs., or gal.)

- c. Please describe any underground hazardous materials storage tank(s) that are proposed to be installed, removed, and/or used. If the project is located on an active Leaking Underground Fuel Tank (LUFT) site,

please describe the status of the case. If the project site does not have an underground hazardous materials storage tank or involves a LUFT site, please check the "N/A" box and proceed to Item F.13.

N/A ☒

F.13. Noise

- a. Existing Noise Environment: Please describe the sources of noise surrounding the project site by completing the following table. A noise study may be submitted in lieu of providing the information requested below.²²

Noise Source (e.g., Railway or Roadway)	Approximate Distance Between the Source of the Noise and the Project Site (feet)
No significant sources	

- b. Please describe the noise that would be generated by the proposed project, as well as noise to which proposed uses would be subject, by providing the following information.²³

(1) Noise Sensitive Uses:

- (a) Does the project involve the use of dwellings, schools, hospitals, nursing homes, churches, or libraries? **Yes** ☒ **No**

If the answer is yes, please proceed to Item F.13.b(1)(b). If the answer is no, please proceed to Item F.13.b(2).

(b) Is the project site located:

- (1) Within a noise contour that identifies areas with ambient noise levels that are 60 db(A) CNEL or greater, surrounding a roadway or airport?²⁴ **Yes** ☒ **No**

If the answer is yes, **please submit a noise study** that complies with the requirements of the *Ventura County Initial Study Assessment Guidelines*.

Not needed, per planner comment: "Noise study on file for nearby property and can be used."

²² See Footnote 16 (above).

²³ For the definitions, measurement, and thresholds/standards relating to noise, please see the: *Ventura County General Plan Goals, Policies and Programs* (2008, §2.16), which is available on-line at <http://www.ventura.org/rma/planning/pdf/plans/Goals-Policies-and-Programs.pdf>; *Ventura County General Plan Hazards Appendix* (2005, §2.16), which is available on-line at <http://www.ventura.org/rma/planning/pdf/plans/General-Plan-Hazards-Appendix.pdf>; and/or, *Ventura County Initial Study Assessment Guidelines* (February 2011, Section 19, "Noise and Vibration"), which are available on-line at http://www.ventura.org/rma/planning/pdf/ceqa/current_ISAG.pdf

²⁴ See the *Ventura County General Plan Hazards Appendix* (2005, §2.16), or consult the Permit Intake Coordinator for maps that identify the locations of the noise contour lines that indicate areas around roadways and airports within Ventura County, which experience noise levels that are at least 60 dB(A) CNEL.

- (2) Within 500 feet of a railroad, industrially designated area, or other relatively continuous noise source?²⁵ **Yes** **No** ☒

If the answer is yes, **please submit a noise study** that complies with the requirements of the *Ventura County Initial Study Assessment Guidelines*.

(2) Noise-Generating Activities:

Noise-Sensitive Use	Typical Noise-Sensitive Time Period	Does the project involve the use of noise-generating equipment, vehicles, or machinery within 500' of the noise sensitive use during the typical noise-sensitive time period(s)?*
Hospital or Nursing Home	24 hours	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Single-Family or Multi-Family Dwelling	7:00 PM to 7:00 AM, Monday through Friday; and, 7:00 PM to 9:00 AM, Saturday, Sunday, and Local Holidays	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
School, Church, or Library	Anytime when in operation.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

* When answering this question, please consider all phases of the project (e.g., vegetation removal, grading, construction, and long-term operational phases of the project).

If the answer is yes to any of the items above, please submit a noise study that complies with the requirements of the *Ventura County Initial Study Assessment Guidelines* and/or *County of Ventura Construction Noise Threshold Criteria and Control Measures* (as applicable).

Alternatively, you may forego the preparation of a noise study, if you are willing to accept a condition on the entitlement that will prohibit the noise-generating activities during the typical noise-sensitive time period(s) for the noise-sensitive use(s). If you would like to forego the preparation of a noise study by accepting the condition that will limit the time periods when the noise-generating activities may occur, please check the following box. ☒

²⁵ See the Ventura County General Plan Land Use, Existing Community, and Area Plan Maps (as appropriate) to determine the project site's proximity to industrially-designated areas. Links to the Ventura County General Plan Land Use, Existing Community, and Area Plan Maps are available on-line at http://www.ventura.org/rma/planning/General_Plan/index.html.

F.14. Utilities

- a. Utilities: Please identify all of the utilities that would provide service to the project site, by completing the following:

Utility	Name	Address	Phone Number	Email Address
Gas	SoCalGas	P.O. Box 3150 San Dimas, CA 91773	(800) 427-2200	N/A
Electricity	Southern California Edison	P.O. Box 600 Rosemead, CA 91771-0001	(800) 684-8123	N/A
Phone	N/A			
Cable	Cox Communications	6205-B Peachtree Dunwoody Road NE, Atlanta, GA 30328	(855) 343-4327	N/A

- b. Electricity:

- (1) What is the projected amount of electrical usage (peak KW/Hours/Day)? Current bill provided
- (2) Do existing lines have to be increased in number or size? **Yes** **No X**
If yes, please describe:
- (3) Do overhead electrical facilities require relocation or under grounding? **Yes** **No X**
If yes, please describe:
- (4) Please indicate the length of new offsite electrical transmission and distribution facilities that are required to serve project. If the project does not involve the installation of new offsite electrical transmission and distribution facilities, please check the "N/A" check box. **N/A X**

- c. Natural Gas:

- (1) Please indicate the expected amount of gas usage: Current bill provided
- ✓ (2) Do existing gas lines have to be increased in size? **Yes** **No X**
If yes, please describe:
- ? (3) Do existing gas lines require relocation? **Yes** **No X**
If yes, please describe:

- (4) Please indicate the length and size of new offsite gas mains that are required to serve the project. If the project does not involve the installation of new offsite gas mains, please check the "N/A" box and proceed to Item F.15. **N/A X**

F.15. Agricultural Resources

For projects located within rural-, agricultural-, and open space-designated areas, please provide the following information. For all other projects, please check the "N/A" box and proceed to Item F.16. **N/A X**

- a. Important Farmland Inventory: Please list the amounts of classified farmland²⁶ that will be covered by permanent pavement or permanent flooring as a result of the proposed project.

(1) Prime Farmland	acres
(2) Statewide Importance Farmland	acres
(3) Unique Farmland	acres
(4) Local Importance Farmland	acres

- b. Please describe how the project's design will minimize the loss of agricultural soils.

- c. For purposes of land use compatibility, the distance from new structures, as well as outdoor uses, to the lot lines adjacent to neighboring farmland will be measured and evaluated. Please contact the Agricultural Land Use Planner (rudymartel@ventura.org or (805) 477-1620, Ext. 3) for details.

- d. Is the property subject to an LCA Contract? **Yes** **No**

If the answer is "No," please proceed to Item F.15.e. If the answer is "Yes," please provide the LCA Contract Number:

²⁶ Information on the amount of classified farmland located on the project site may be obtained from the Resource Management Agency GIS Department. Please contact Mr. Jose Moreno, M.A., GISP, GIS Supervisor, at (805) 477-1585, or jose.moreno@ventura.org, to obtain this information.

-
- e. Animal Keeping and Husbandry/Vector Control: For projects that involve animal keeping or boarding activities, please provide the following information. For projects that do not involve animal keeping or boarding activities, please check the "N/A" box and proceed to Item F.16. **N/A**

(1) The number and species of animals that are proposed to be kept or boarded on-site.

(2) The proposed animal waste handling activities (e.g., the frequency of collection, storage and disposal).

(3) For projects involving animal husbandry uses and which require a Tract Map or Conditional Use Permit ("CUP"), **please submit two copies of a Manure Management Plan.**²⁷ For all other projects, please check the "N/A" box and proceed to Item F.16. **N/A**

F.16. Solid Waste, Recycling, Greenwaste, and Composting Operations

For projects involving solid waste, recycling, greenwaste processing, or composting operations, please complete F.16.a through F.16.c.²⁸ For projects not involving these types of facilities or uses, please check the "N/A" box and proceed to Item F.17. **N/A X**

- a. Composting Operations: If the project involves composting operations, **please complete the Environmental Health Division's "Supplemental Questionnaire for Proposed Compost Projects,"** which is available at the Environmental Health Division Public Information Counter. For projects that do not involve composting operations, please check the "N/A" box and proceed to Item F.16.b. **N/A**

- b. For other solid waste, recycling, or greenwaste processing operations, please describe the:

(1) Type of material to be processed, stored or disposed:

²⁷ For the requirements of a Manure Management Plan, please see the Watershed Protection District's "Guidelines for Preparing a Manure Management Plan (MMP)" which is available at the Watershed Protection District, Groundwater Section.

²⁸ County Ordinance No. 4308 requires facilities engaging in commercial composting, or facilities that chip, grind, and process green material and sell products derived from these operations, to enter into a contract with the County. (To review Ordinance No. 4308, go to www.wasteless.org. Select "Landfills, Disposal, Refuse Collection"/Ordinances.)

(2) Type of equipment that will be utilized:

(3) The amount of material stored on-site:

(4) The storage time of materials on-site:

- c. Solid Waste Dust Control: Does the project involve any solid waste operations? **Yes** **No**
If the answer is "yes," **please submit three copies of a dust control plan and odor impact and minimization plan.**²⁹

F.17. Air Quality

- a. Air Emissions: Please provide the following information on known sources of air emissions surrounding the project site (e.g. manufacturing, industrial, herbicide applications, and roadways).

(1) Air Emission Source(s):

None

(2) Approximate distance between the emissions source and the project site: feet

- b. Air Pollution Emitting Devices: Please indicate if any equipment or devices associated with the project will release air emissions that may require an Air Pollution Control District ("APCD") Permit to Operate or an APCD Permit to Construct.³⁰ If the project does not require either of these APCD Permits, please check the "N/A" box and proceed to Item F.18. **N/A X**

F.18. Commercial, Agricultural, Institutional, and Industrial Projects Operational Characteristics

For commercial, agricultural, institutional, or industrial projects, please answer the following questions. For all other projects, please check the "N/A" box and proceed to Item F.19. **N/A X**

²⁹ Please contact the Resource Management Agency, Environmental Health Division, or the Air Pollution Control District for additional information on the requirements for a dust control plan and odor impact and minimization plan.

³⁰ Please see APCD Rule 10, Permits Required, which is available on-line at:
<http://www.arb.ca.gov/DRDB/VEN/CURHTML/R10.PDF>.

a. **Materials:** For commercial, agricultural, and industrial projects, please describe in detail the type of materials used, stored, sold and/or processed, and the processes that are proposed. If the project only involves an institutional use, please check the "N/A" box and proceed to Item F.18.b. **N/A**

b. **Existing Operations:** For project sites that are currently developed with commercial, agricultural, institutional, and/or industrial uses, please provide the following information. For all other projects, please check the "N/A" box and proceed to Item F.18.c. **N/A**

(1) How many employees work on the property? Please indicate the days and hours that they work, as well as the number of employees/shift.

(2) For multi-tenant buildings and structures, please provide the number of tenants that exist on the subject property. For project sites that do not have multi-tenant buildings and structures, please check the "N/A" box and proceed to Item F.18.c. **N/A**

Tenants

(3) Please provide the days and hours of operation of each business located on the property.

c. **Proposed Operations:** For commercial, agricultural, institutional, or industrial projects, please provide the following information. For all other projects, please check the "N/A" box and proceed to Item F.19. **N/A**

(1) Please list the proposed daily number of:

Employees:

Customers:

Guests:

Visitors of the Facilities:

Employees that will Reside on the Subject Property:

(2) Please list the days and hours of operation of the facilities, and the total number of days of operation/year.

Days and Hours:

Total Number of Days/Year:

(3) Please describe how security will be provided.

(4) For projects that involve gas stations, please indicate the proposed number of fuel pumps. For projects that do not involve gas stations, please check the "N/A" box and proceed to Item F.18.c(5). **N/A**

Fuel pumps

(5) For projects that involve car washes, please indicate the proposed number of stalls. For projects that do not involve car washes, please check the "N/A" box and proceed to Item F.18.c(6). **N/A**

Stalls

(6) For projects that involve hotels, schools, hospitals, or care facilities, please indicate the proposed number of each of the following. For projects that do not involve these types of uses/facilities, please check the "N/A" box and proceed to Item F.18.c(7). **N/A**

Rooms of the building

Guests

Clients

(7) Please describe any uses, operations, or structures that would produce light, glare, or heat, as well as any methods that would be used to shield, enclose, or otherwise control the light, glare, or heat. If the project would not produce light, glare, or heat, please check the "N/A" box and proceed to Item F.18.d. **N/A**

d. Wireless Communications Facilities: For projects involving wireless communications facilities, please provide the Federal Communications Commission Lease Agreement number or FRN number. For all other projects, please check the "N/A" box and proceed to Item F.18.e. **N/A**

Lease Agreement Number:

FRN Number:

e. Mining Projects: For all projects involving mineral resource extraction projects, please submit a Mining Reclamation Plan that meets the requirements of the Surface Mining and Reclamation Act ("SMARA"). Please see the following website for the requirements of a Mining Reclamation Plan: <http://www.conservation.ca.gov/omr/Pages/index.aspx>. If after reviewing the SMARA requirements you have additional questions, please contact Ebony McGee at (805) 654-5037 or ebony.mcgee@ventura.org. For all other projects, please check the "N/A" box and proceed to Item F.19. **N/A**

f. Oil and Gas Exploration and Production: For all projects involving oil and gas exploration and production, please answer the following questions: For projects that do not involve oil and gas exploration, please check the "N/A" box and proceed to Item F.19. **N/A**

- (1) Will hydraulic fracturing, acid well stimulation treatment, or other well stimulation treatments be performed? (per Public Resources Code §3150 seq.) For projects that do not involve well stimulation treatments please check "No" box and proceed to Item F.19

Yes

No

- (2) What hazardous materials will be used as part of the well stimulation treatment and in what quantities? (per Public Resources Code §3160)

- (3) How much water will be used for the well stimulation and where will it come from (supply source)? (per Public Resources Code §3160(b)(2)(D) and §3160(d)(1)(C))

- (4) How much liquid waste will be generated from the well stimulation treatments and where will it be disposed of? (per Public Resources Code §3160 seq.)

- (5) Provide a list below of each existing oil and gas well on the subject property. List by operator name, lease name, well number, and API number.

F.19. Tract Map, Parcel Map, Conditional Certificates of Compliance, and Parcel Map Waiver Supplemental Information

For Tract Map, Parcel Map, and Parcel Map Waiver applications, please submit the following information that is required for your application. For all other projects, please check the "N/A" box and proceed to Item F.20.

N/A X

- a. For all Tract Map, Parcel Map, Conditional Certificates of Compliance, and large lot subdivision applications, **please submit an original and one copy of a signed Public Easement Certification Form.**³¹ For all other projects, please check the "N/A" box and proceed to Item F.19.b. **N/A**
- b. For all Tract Map, Parcel Map, Conditional Certificates of Compliance and Parcel Map Waiver applications, **please submit two copies of a Preliminary Title Report and title policy that are less than one year old and current**, showing evidence of insurability for all parcels involved in the project.³² For all other projects, please check the "N/A" box and proceed to Item F.19.c. **N/A**
- c. For Parcel Map Waivers, **please submit the following additional items.** For all other projects, please check the "N/A" box and proceed to Section F.20. **N/A**
 - (1) **Seven to 21 copies of new legal descriptions**³³—prepared by a person who is licensed to practice land surveying—that are acceptable for recordation.
 - (2) **Two copies of the draft, unsigned documents to modify the deeds of trust** between all financial institutions having interest in the properties and the property owners.
 - (3) For lot line adjustments involving multiple property owners, **two copies of draft, unsigned grant deeds** proposed to effectuate the title transfer between the property owners with a legal description for the portion being transferred.
 - (4) **One original and two copies of a signed owner's certificate**³⁴ (as shown in the title report) and notarized. Each property owner must sign and have their signature notarized on the appropriate certificate (exactly as shown in the vesting title report), as follows:
 - Individual - For use by individual property owners (up to four property owners may be listed on this form).
 - Partnership - For persons signing on behalf of a partnership that owns the property. **Please submit a copy of the agreement** to verify the partnership signatures.
 - Corporate - For persons signing on behalf of a corporation that owns the property. **Please submit a copy of the articles of incorporation** to verify the signatures.
 - Attorney in Fact - If someone is signing as attorney in fact for the owner verifying documents.
 - Trustee- If the property is held in trust, all trustees are required to sign as trustees of that trust.
 - (5) One original of the **Lender's Acknowledgment form**,³⁵ signed and notarized by all lenders wherein the subject parcels are used as collateral for a loan, if financed.

³¹ A Public Easement Certification Form is available at the Planning Division Public Information Counter.

³² For Parcel Map Waiver applications, do not change ownership or lenders during the processing of the Parcel Map Waiver application as it may void processing and delay your project.

³³ Please contact the Permit Intake Coordinator using the information provided in the instructions to this application packet, to determine the exact number of copies that will be required for your project.

³⁴ An owner's certificate is available at the Planning Division Public Information Counter.

F.20. Legal Lot Requirement

Has the Planning Division issued a Preliminary Legal Lot Determination for the property? **Yes** **NoX**

a. If the answer is "no," please proceed to Item F.20.b. If the answer is "yes," what was the finding of the Preliminary Legal Lot Determination?

b. If the Planning Division has not issued a Preliminary Legal Lot Determination for the property, please describe by what means (e.g. Tract Map, Parcel Map, Parcel Map Waiver, or Certificate of Compliance) the property gained its current configuration, making sure to include the map citation (e.g., "8 MR 14 36 PM 4") or project case number (e.g., "PMW 1046" or "SD06-0031"). However, if the Planning Division has not issued a Preliminary Legal Lot Determination for the property, and you do not have information on the means by which the property gained its configuration, please submit an application for a Preliminary Legal Lot Determination prior to submitting an application for your project.³⁶ If the project does not require a Preliminary Legal Lot Determination, please check the "N/A" box. **N/A**

Certificate of Compliance will be applied for. The project site has a history dating back to 1967 of having permits processed, most recently in 2015.

F.21. Existing Physical Features and Development on, and Surrounding, the Project Site

a. Please describe the physical features of the project site. Physical features that should be described include, but are not limited to:

- Creeks, streams, drainage facilities, drainage patterns, and all other types of wetlands.
- Distinctive topographical and/or scenic features, such as the Pacific Ocean, mountain ranges, hillsides, and Geologic Hazards Areas.³⁷
- Wildlife habitat (e.g., woodlands or chaparral habitat).

Back (south side) of property is on Pacific Ocean beachfront.

³⁵ A Lender's Acknowledgement Form is available at the Planning Division Public Information Counter.

³⁶ For more information on how to determine if a project site would be located on a legal lot, and for Preliminary Legal Lot Determination applications, please see <http://www.ventura.org/rma/planning/Programs/legal.html>.

³⁷ To determine if the project site is located within a Geologic Hazards Area, please see the Ventura County General Plan Hazards Appendix (Last Amended on November 15, 2005, Chapters 2.2 through 2.5), which is available on-line at: http://www.ventura.org/rma/planning/pdf/plans/General_Plan_Hazards_Appendix.pdf.

- b. For project sites that are located within rural-, agricultural-, or open space-designated areas, please describe the agricultural activities that exist on-site (e.g., types of crops that are cultivated and/or animal keeping or husbandry activities that occur). For projects that are not located within these areas, please check the "N/A" box and proceed to Item F.21.c. **N/A X**

- c. Please describe the physical features surrounding the project site. Please include the following physical features and indicate where they are located in relation to the project site [e.g., direction (north, south, east, or west) in relation to, and distance from, the project site]:

- X
- Creeks, streams, drainage facilities, drainage patterns, and all other types of wetlands.
 - Distinctive topographical and/or scenic features, such as the Pacific Ocean, mountain ranges, and hillsides.
 - Wildlife habitat (e.g., woodlands or chaparral habitat).
 - Local access to the project site including (but not limited to) County and city roadways, as well as private roadways or driveways.
 - Regional access to the project site, which typically consists of State and Federal freeways and highways.
 - If agricultural activities occur on properties that are located adjacent to the project site, please describe the types of crops that are cultivated.

X Highway 101 is to the north of the neighborhood in which the project site is located. The Pacific Ocean is to the immediate south. To the east, on the far side of another single family residence, is Rincon Creek. west

- d. Please describe the existing development on adjacent properties surrounding the project site by completing the following table. Please describe the types of uses (e.g., agriculture, residential, recreation, open space/vacant, retail sales, wholesale, multi-tenant office space, or manufacturing and assembly plant), buildings, and structures on properties that are adjacent to, or across a roadway from, the subject property.

Direction	Building, Structure, or Outdoor Use	Use(s)	Approximate Height or Number of Stories	Proximity to Project Site
North	Building	Residential	1 story	40' to PL
South	Outdoor Use	Recreation	N/A	Adjacent
East	Building	Residential	1.5 story	Adjacent
West	Building	Residential	1 story	Adjacent

e. Please answer the following questions related to Military Operation Areas. ³⁹

(1) Is your project within 1,000 feet of a military installation?

Yes No ☒

(2) Is your project beneath a low-level "military training route" flight path?

Yes No ☒

(3) Is your project within a special use "restricted" airspace?

Yes No ☒

F.22. Cultural Resources

a. Has the project site been subject to any archaeological, historical, and/or paleontological resource surveys?

Yes No Unknown ☒

b. Is there a building or structure that is 50 years old or older that will be demolished or otherwise impacted by the proposed development?

Yes ☒ No Unknown

If the project has been subject to an archaeological, historical, and/or paleontological resource survey, **please submit a copy of the report or any documentation regarding the survey** as part of your application. Please be advised that:

- If it is found that the project site is located on, or within the vicinity of, known archaeological, historical, and/or paleontological resources, or has not been previously surveyed for the presence of these resources, an analysis of potential impacts to the resources might be required as part of the environmental review of your project;
- Typically all project sites that are Designated Cultural Heritage Sites³⁸ will require an analysis of potential impacts to the cultural resources as part of the environmental review of your project; and,
- Buildings or structures that are at least 50 years old might qualify as historical resources, the impacts to which are required to be analyzed as part of the environmental review of the project.

F.23. Biological Resources

a. Has an Initial Study Biological Assessment been conducted by a Qualified Biologist for this project?

Yes No ☒

³⁸ Please contact the Planning Division Counter or the Permit Intake Coordinator to determine if the project site qualifies as a Designated Cultural Heritage Site. You will need to present the Assessor's Parcel Number (APN) to the Planning Counter staff or the Permit Intake Coordinator to obtain this information.

³⁹ In accordance with State Senate Bill 1462, please respond to these questions by visiting the County of Ventura's public mapping tool "County View," located at <http://gis.ventura.org/countyview>. Once you have located your project's appropriate parcel, click "Parcel Report." Once the Parcel Report opens, scroll down to "Hazards" to find the subsection titled "Military Operations Area." The information presented in the Parcel Report will assist you in answering the questions.

X If No, be advised that all projects that could impact sensitive biological resources must provide an Initial Study Biological Assessment (ISBA) with the project application. This includes projects located-on or adjacent-to land with native vegetation, on land within 300 feet of watercourses or wetlands, on land used by animals for movement between habitats, or on land that provides other habitat for sensitive species. Discuss your specific project with the Planning Division staff to determine if an ISBA will be required.

F. 24. Protected Trees

Will any trees protected by the Ventura County Tree Protection Ordinance be potentially impacted by this project? **Yes** **No X**

Note: Potentially impacted trees include not only the protected trees that are directly part of this request, but also any other protected trees whose tree protection zones (TPZs) are within 20 feet the limits of the construction area (including access drives and utility easements). This includes trees growing on adjacent parcels if their TPZ extends onto the subject parcel. The TPZ extends out from the trunk to 5 feet beyond the dripline, or a minimum of 15 feet from the trunk, whichever is greater.

If Yes, provide the following information.

- Has an Arborist Report, prepared in compliance with the Content Requirements for Arborists Reports, been submitted? **Yes** **No** (If No, please consult with the Planning Division.)
- Has all other required documentation per the *Submittal Requirements for Tree Permits & Authorizations* been submitted? **Yes** **No** **Unsure**
- Number of prior protected trees removed from the parcel for reasonable access to or use of property:
 No. of oaks: No. of sycamores: No. of other protected trees: Unknown
- Number of prior protected trees removed from the parcel for agriculture within the last 12 months?
 No. of trees: Unknown
- Provide the following information about any potentially impacted protected trees. Complete one row for each tree or stand of trees of the same species, heritage status, action and general location.

ID #	No. of Trees	Tree Species	Heritage (90+ inches girth*)	Action (remove, alter, encroach)	Tree Location (include reference to a fixed landmark)
Ex.	5	Oak	No	Remove	Back of lot; near SE corner of proposed building.
1					
2					
3					
4					

ID #	No. of Trees	Tree Species	Heritage (90+ inches girth*)	Action (remove, alter, encroach)	Tree Location (Include reference to a fixed landmark)
5					

*Girth is the circumference of the trunk, generally measured at 4.5 feet above the ground. (This position may vary depending upon where the waist of the tree is—the narrowest trunk point is typically the goal—and many other factors.) If there are multiple trunks, measure each and add their measurements together; for heritage trees only the two largest trunks are measured.

- f. Have any of the above actions (removal, alteration, encroachment) already occurred?

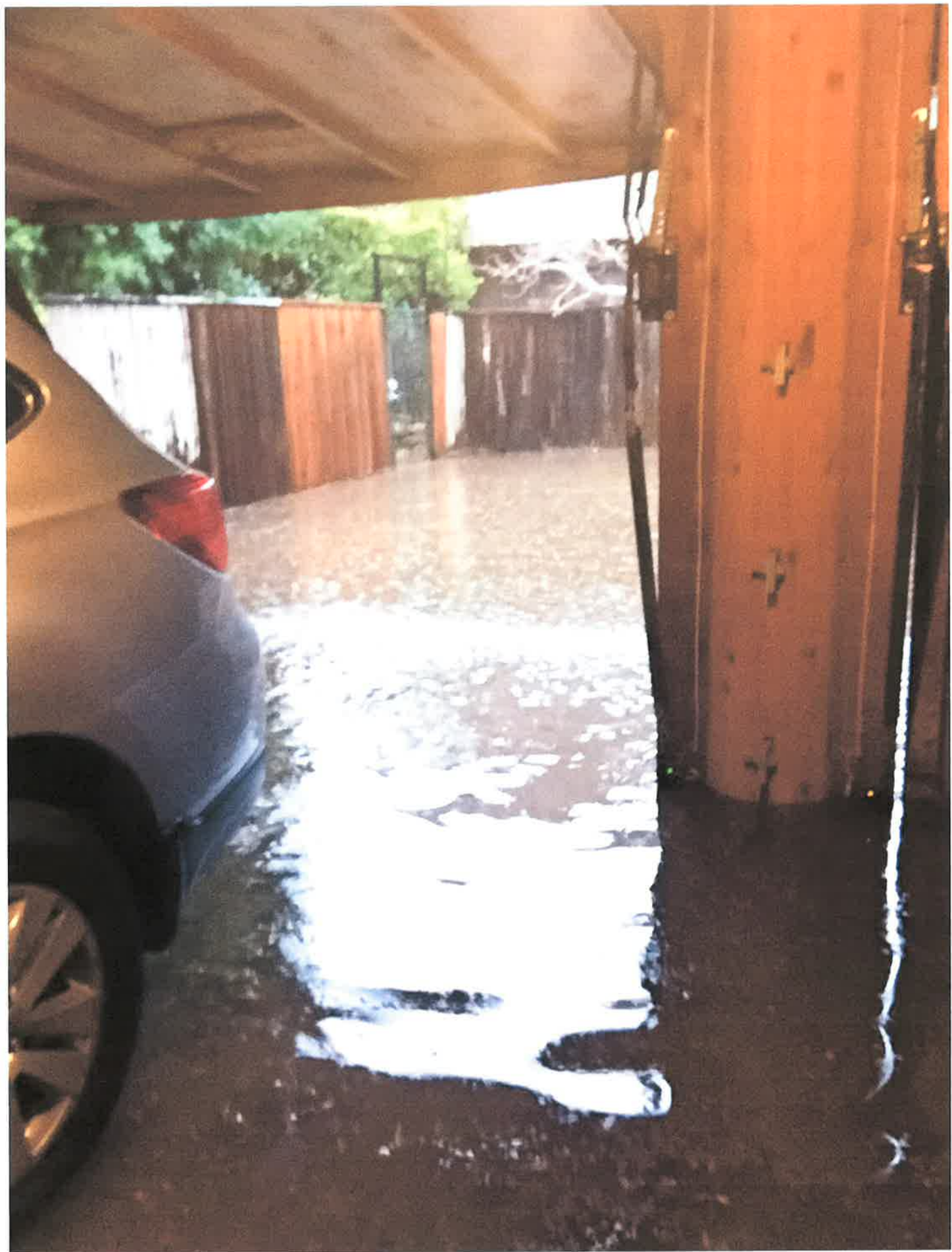
Yes No

If Yes, explain (include tree or tree stand ID#):

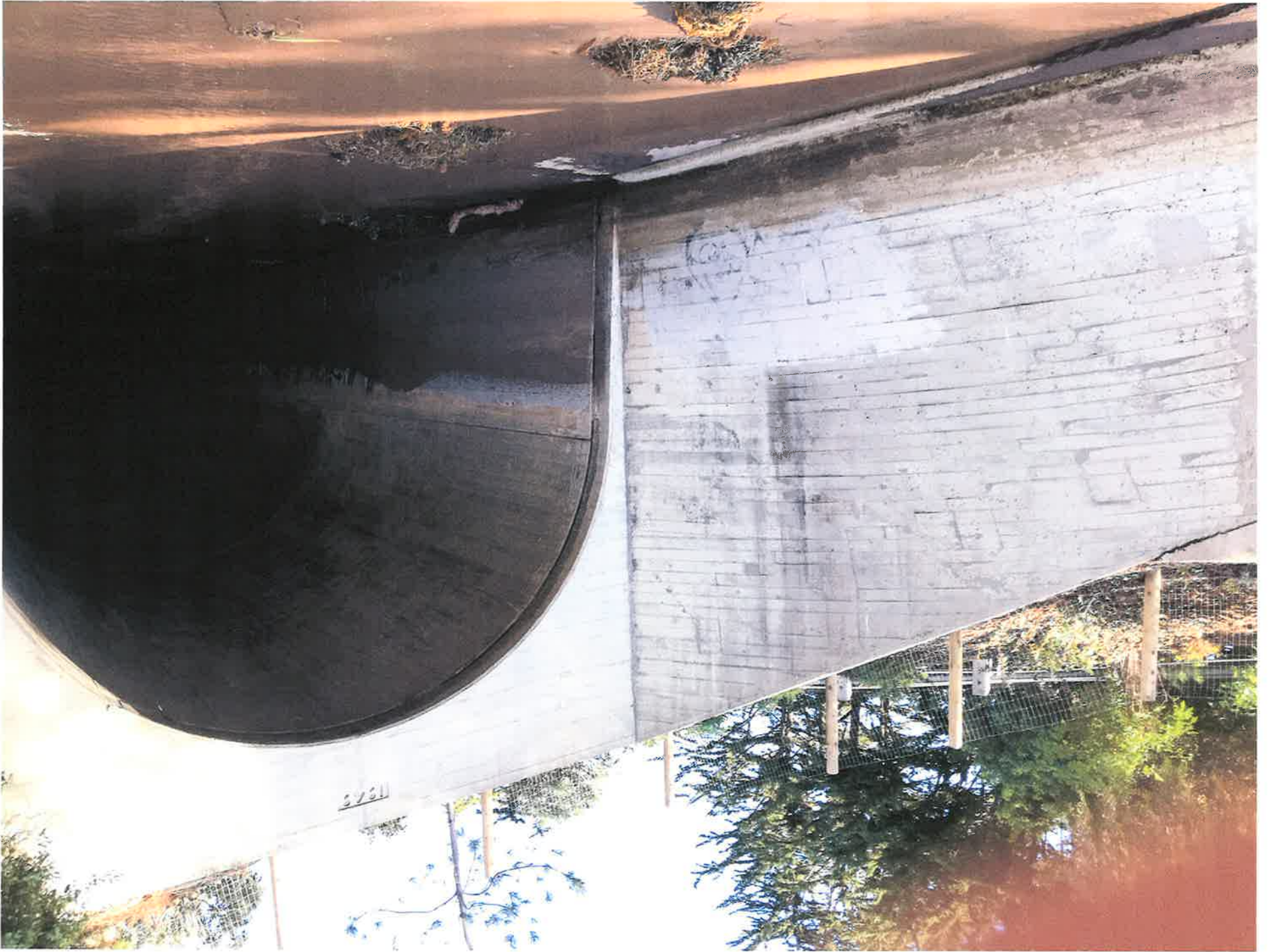
Date work was performed:

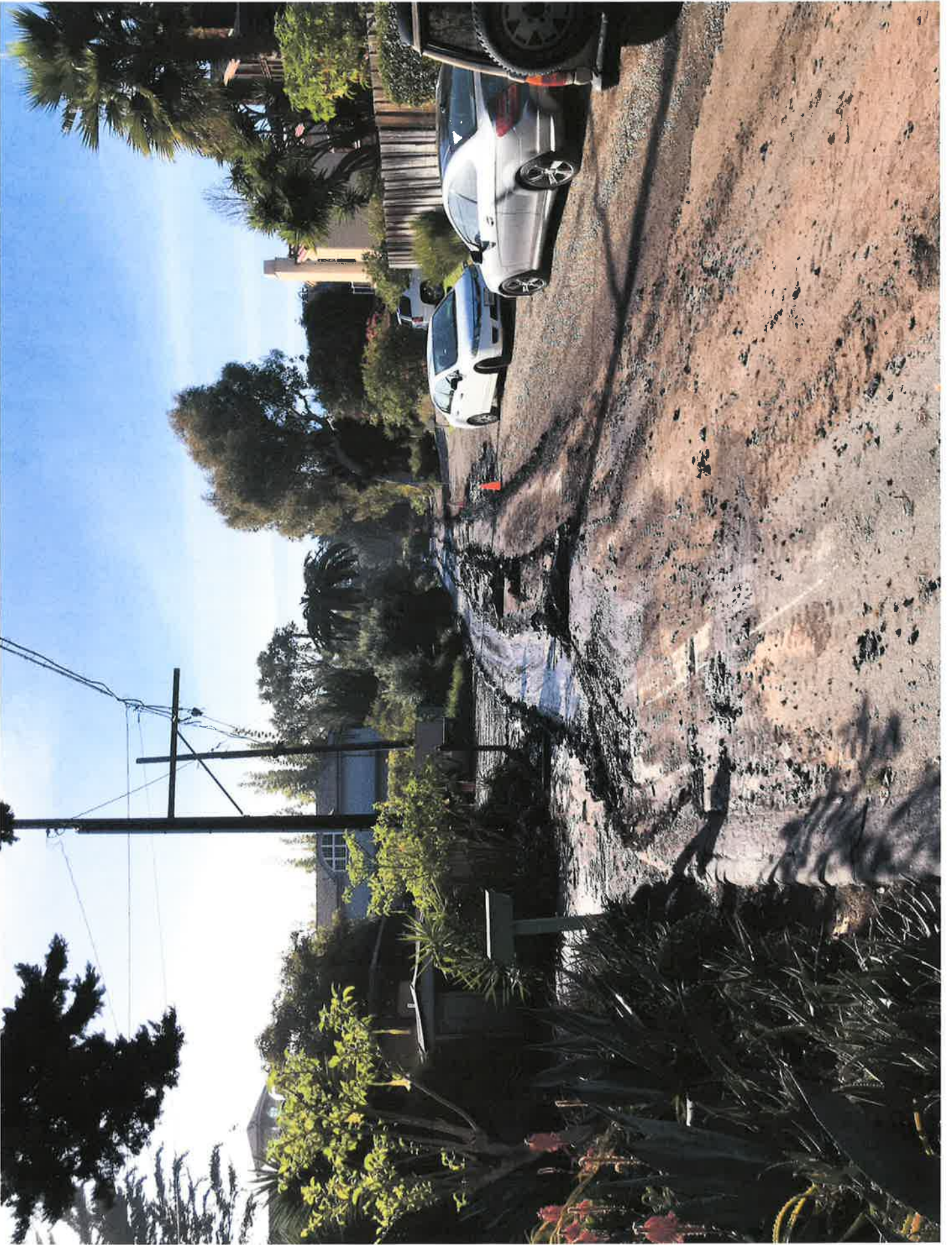
- g. Reason for the above request (indicate if more than one reason, e.g., one oak tree (ID# 1) is hazardous per Arborist Report and 4 oak trees (ID# 2-4) need to be removed to construct building):













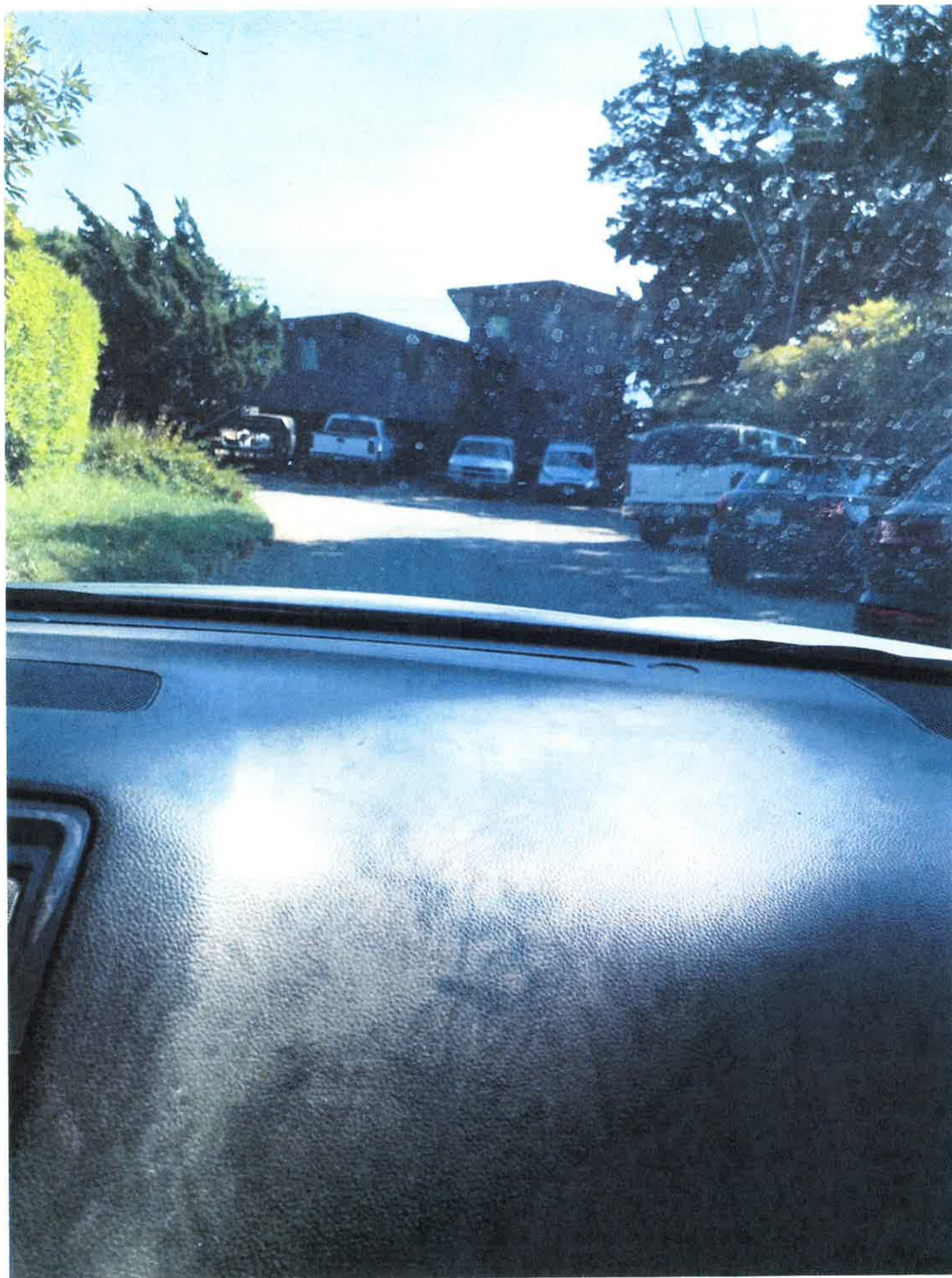




4/21/22, 8:14 PM

Photo - Google Photos







Doug White <dougwhite7@gmail.com>

parking Feb. 4, 2021

Doug White <dougwhite7@gmail.com>
To: Lyn Moore <LMoore@bhfs.com>

Mon, Apr 25, 202

----- Forwarded message -----

From: dougwhite7@gmail.com <dougwhite7@gmail.com>
Date: Sun, Apr 24, 2022 at 4:28 PM
Subject: parking Feb. 4, 2021
To: Doug White <dougwhite7@gmail.com>











Doug White <dougwhite7@gmail.com>

Parking March 16, 2021

Doug White <dougwhite7@gmail.com>
To: Lyn Moore <LMoore@bhfs.com>

Mon, Apr 25, 202

----- Forwarded message -----

From: dougwhite7@gmail.com <dougwhite7@gmail.com>
Date: Sun, Apr 24, 2022 at 4:32 PM
Subject: Parking March 16, 2021
To: Doug White <dougwhite7@gmail.com>





LMoore@bhfs.com



Reply

Forward

**Doug White** <dougwhite7@gmail.com>

Yesterday's telephone conversation

Welch, Jennifer <Jennifer.Welch@ventura.org>

Thu, Dec 31, 2020 at 8:26 AM

To: Doug White <dougwhite7@gmail.com>

Cc: "Petrovich, Susan" <spetrovich@bhfs.com>

Morning Doug:

Thanks for the email. Per our telephone conversation, the Elliots are aware of the required permit adjustment prior to any earth disturbance and Neil has kept me apprised of the field work / preliminary analysis. Nothing has been submitted to date, I'll let you know when it has.

Happy New Year!

Jennifer

From: Doug White <dougwhite7@gmail.com>**Sent:** Wednesday, December 30, 2020 10:54 AM**To:** Welch, Jennifer <Jennifer.Welch@ventura.org>**Cc:** Petrovich, Susan <spetrovich@bhfs.com>**Subject:** Yesterday's telephone conversation

CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

[Quoted text hidden]



Doug White <dougwhite7@gmail.com>

planting within the protected rootzone

dougwhite7@gmail.com <dougwhite7@gmail.com>

Thu, Dec 30, 2021 at 9:45 AM

To: Angela Georgeff <angela.georgeff@ventura.org>, Jennifer Welch
<Jennifer.Welch@ventura.org>



Hi Angela,

This planting of 15 gallon plants is going on right now over the holidays. Is this supposed to happen when the issue is on appeal? [These 15 gallon plants require fairly deep holes.]

Thanks,

Doug



Doug White <dougwhite7@gmail.com>

planting within the protected rootzone

Trunk, Jennifer <Jennifer.Trunk@ventura.org>

Mon, Jan 3, 2022 at 1:39 PM

To: "dougwhite7@gmail.com" <dougwhite7@gmail.com>, "Georgeff, Angela"

<Angela.Georgeff@ventura.org>

Cc: Greg Elliott <GElliott@sterling-group.com>

Good Afternoon Mr. White:

Mr. Elliot informed the County of the landscaping he was proposing to install and had his arborist oversee the planting (see attached).

Please feel free to contact me should you have any questions.

Jennifer

Jennifer M. Trunk | Planning Manager

Residential Permits Section

Jennifer.Trunk@ventura.org

Ventura County Resource Management Agency | Planning Division

P. 805.654.2465 | F. 805.654.2509

[800 S. Victoria Ave.](#), L #1740 | Ventura, CA 93009-1740

Visit the Planning Division's website at vcrma.org/planning

For online permits and property information, visit [VC Citizen Access](#)





ARBORISTS FIELD REPORT - RE: 8120 Puesta Del Sol, Rincon Pt, CA

Prepared for:

Neal Maguire-Attorney
Ferguson, Case, Orr, Patterson LLP
1050 South Kimball Rd.
Ventura, CA 93004
805.659.6800 ext. 217 / nmaguire@fcoplaw.com

December 20, 2021

On December 17, 2021 was at the subject property to monitor excavation in the planter area near the neighbor's cypress. Valencia Tree and Landscape prepared the planting bed between the residence and the driveway (perpendicular to the property line).

The crew used an axe to remove a small yucca tree and its stump. They used shovels to excavate approximately a dozen holes to install five-gallon plants.

I did not observe cypress roots from excavation. There is no impact to the tree from this work.

Please contact me with any questions.

Prepared by: *Bill Spiewak*
Registered Consulting Arborist #381
American Society of Consulting Arborists
Qualified Tree and Plant Appraiser

Board Certified Master Arborist #310B
International Society of Arboriculture
Qualified Tree Risk Assessor





**Doug White** <dougwhite7@gmail.com>

planting within the protected rootzone

Doug White <dougwhite7@gmail.com>

Mon, Jan 3, 2022 at 2:49 PM

To: "Trunk, Jennifer" <Jennifer.Trunk@ventura.org>, "Petrovich, Susan" <spetrovich@bhfs.com>

Good Afternoon, Jennifer and Angela,

Thank you for your notification and explanation, however belated. For the record, I'd like to point out that the "five-gallon" plants referenced by the Arborist in his December 17th report were sent back and replaced by eight fifteen-gallon plants which require significantly more ground disturbance to install. On the day of this additional excavation, December 30th, no arborist was present. Incidentally, I was neither informed in advance of this project nor was I invited to observe the activity. This runs counter to the assurances I received at the Planning Commission hearing that I would be kept informed of planned activity and that there would be "no ground disturbance" without an arborist present. If I had known in advance I could have had my arborist there to observe as well. When was the County informed of this project and why were we kept in the dark?

Thank you,

Doug White

[Quoted text hidden]



**Doug White** <dougwhite7@gmail.com>

8120 Puesta del Sol project

Doug White <dougwhite7@gmail.com>

Fri, Dec 4, 2020 at 3:19 PM

To: "Welch, Jennifer" <Jennifer.Welch@ventura.org>

Cc: "Petrovich, Susan" <spetrovich@bhfs.com>

Hi Jennifer,

As I mentioned to you the other day, most of the area in the picture I sent you is not part of the Elliott's actual parcel. It is a paved section of the Puesta del Sol roadway easement which I use regularly, particularly during the rainy season when the lower part of the road becomes flooded. I often need to hug that side of the easement when I leave my driveway to avoid the deep water in front of the storm drain. I don't know what is intended by the red construction line in the photograph but this area is directly on top of my easement and should remain unobstructed. [I refer you to the Assessor's Map Bk.8 - Pg. 17 which shows the actual southern boundary of the Puesta del Sol roadway]

I remain concerned about any changes through landscaping or construction that would either exacerbate flooding or impede access to my driveway by large trucks as well as emergency vehicles. Any repairs to the existing asphalt should be kept flush with the surrounding pavement. I'm attaching a photograph where I highlighted (in yellow) the approximate property line for the Elliott's parcel.

Thanks,

Doug



07188AC2-128D-4C14-A57C-410584E7837D_1_105_c.jpeg
323K







**Doug White** <dougwhite7@gmail.com>

Yesterday's telephone conversation

Doug White <dougwhite7@gmail.com>

Wed, Dec 30, 2020 at 10:53 AM

To: "Welch, Jennifer" <jennifer.welch@ventura.org>

Cc: "Petrovich, Susan" <spetrovich@bhfs.com>

Bcc: Lyn Moore <LMoore@bhfs.com>

Hi Jennifer,

Per our conversation yesterday, I understand that the Elliott's arborist plans an exploratory excavation for tree roots on their property. I hope that he will take all necessary precautions to avoid lasting damage to the trees. I believe that this is the same arborist who expressed the opinion that there were minimal roots extending under the existing structure, but nevertheless the Planning Commission upheld the position that the trees' critical root zones should be protected. Some of the now-proposed disturbance is much closer to the tree trunk than before. As you know, we have not seen the complete plan yet.

Since the Elliott's draft landscape plan proposed substantial planting on my roadway easement (including twenty-seven shrubs and one large tree), I hope the arborist is cognizant of the boundary between the Elliott's parcel and the roadway. For the avoidance of doubt, I am attaching a surveyor's report of my roadway easement. Absent permission of the property owners and easement holders, including relevant utilities, any project activities must be confined to the Elliott's property.

As the Rincon Point Property Owners Association has significant and unique responsibilities for maintaining the roadways and critical flood infrastructure it owns, it follows that they should be the applicant for any project involving this infrastructure. Any roadway excavations in an area that routinely floods, in between rains, pose hazards. Incidentally, as of this morning, the area lacks "call before you dig" markings. How could an arborist possibly know where utilities are located?

Thanks and best wishes for the coming year,

Doug White



2020-12-11A 2324PR1 EM-01 (2).pdf

1645K



CONTINUES TO
CALIF. STATE
HIGHWAY

THE BACKGROUND MAP
IS VENTURA COUNTY
ASSESSOR'S MAP 8-17



[Signature]

11 DECEMBER 2020

Center old mouth
of Rincon Creek

20' WIDE APPURTENANT
EASEMENT PARCEL III(b)
PER INSTR. NO.
1999-093131 O.R.

CONTINUES NORTHEASTERLY
TO CALIF. STATE HIGHWAY

40' WIDE APPURTENANT
EASEMENT PARCEL III(a) PER
INSTR. NO. 1999-093131 O.R.

SCALE: 1"=100'



Tract 2272, M.R. Bk.62, Pg.30
Resubdivision Pt. Rincon Del Mar, I
Resubdivision Rincon Del Mar Tract
Rincon Del Mar Acres, M.R. Bk.16,
Rancho El Rincon, M.R. Bk.1A, Pg.1

EXHIBIT MAP
APPURTENANT EASEMENTS
8128 PUESTA DEL SOL

11 DECEMBER 2020

1 OF 1

RDH

LAND SURVEYING & CONSULTING
W.O. 2324 2324PR1.DWG (EM-01)

Duke McPherson, Arborist

201 East Mountain Drive
Santa Barbara, CA 93108
Phone 805 705-9529
E-mail: treemanduke@cox.net

May 1, 2018

Douglas White
8128 Puesta del Sol
Carpinteria, CA 93013
Dougwhite7@gmail.com

Arborist Report

Introduction

I met with Douglas White on his property at 8128 Puesta del Sol, Rincon Point, California on April 17 of this month at his request. At issue is the possible excavation for building foundations on the adjacent property to the east (8120 Puesta del Sol) and the need to protect the root systems of two mature Monterey Cypress trees on Mr. White's side.

Tree Inventory

Below are listed the two mature Monterey Cypress trees under study with one other nearby one. Tree health was determined by foliage color, growth rate, and vitality. The Protected Root Zone was determined using the Ventura County Coastal Zoning Ordinance Section 8178-7.4.3, 'Determining the Tree Protected Zone'. Although tree # 2 will have construction activity within ten feet of its Tree Protected Zone, we felt that the other two trees merited the most attention.

Tree Number	Location	Health	Protected Root Zone (measured by multiplying DBH times 1.5)	Trunk diameter at 4.5' up(DBH, or diameter at breast height)
1	Northeast side of house.	Good	42"X 1.5=63'	Double trunk 42" + 44"
2	Southwest side of house.	Good	44"X 1.5= 66'	44"
3	Southeast side of house.	Good	50"X 1.5=75.5'	50"

Tree Value

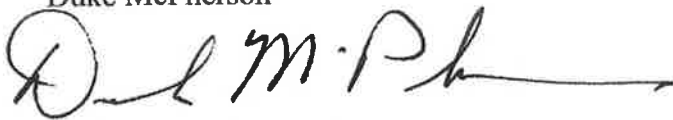
1. Tree #3 (and #2) being within 100' of an estuary are considered specially protected as they are within an ecologically sensitive habitat area (ESHA). Tree #1, because there are buildings situated between it and the estuary, may not have that status.
2. In any case, all the trees are highly valued and deserve special protection.
3. The owner has witnessed tree failure due to the lack of tree protection on various construction sites in the Rincon community in the past. He is particularly aware that if special consideration is not given to the prevention of root cutting during the auguring of holes within their root zones, tree health may be threatened.

Recommendations

To minimize possible root damage, I recommend that at each excavation location, a hole 3-4' deep be manually dug to inspect for large diameter roots. Those 2" diameter and less can be cut even with a saw. Over 2" diameter roots may not be disturbed. Work is to be overseen by a qualified, neutral arborist with the ability to stop the work if deemed necessary.

Report prepared by:

Duke McPherson

A handwritten signature in black ink, appearing to read 'Duke McPherson', with a long horizontal flourish extending to the right.

Certified Arborist with the
International Society of Arboriculture
Certification # WE-0690A



Doug White <dougwhite7@gmail.com>

PL 210035 Driveway repair and fencing project at 8120 Puesta del Sol

Doug White <dougwhite7@gmail.com>

Fri, Apr 9, 2021 at 4:02 PM

To: "Georgeff, Angela" <angela.georgeff@ventura.org>

Cc: "Petrovich, Susan" <spetrovich@bhfs.com>

Dear Angela,

Thanks for the plans and the arborist's report. Here are a few remarks and questions:

1. I noticed that they mentioned a report by Earth Systems but it was not included. Is it available for review?
2. Item #3 in the Note Legend refers to a replacement fence. Our property is currently fenced as we like it. This plan proposes an entirely new fence. How far will this fence extend toward the ocean? How many post holes will it require in the protected root zones of the trees? The Planning Commission addressed concerns regarding widespread and avoidable intrusions into the root zones of these protected trees with specific conditions at their hearing for the original project. The arborist did not mention an examination of the fence line in his report. Please see the photo below of a large root extending under the fence toward the Elliott's house. Could the fence extend so far as to encroach on public views or harm native vegetation in the project area?
3. Earlier plans showed planting of many shrubs and a large tree in the driveway/roadway area. Has that plan been abandoned?
4. This area is subject to flooding both from runoff accumulation during rain events and backflow up the drain at high tide. See pictures below. Have the applicants provided you with baseline elevations? It is essential to ensure that changes not exacerbate flooding to the roadway or neighboring properties.
5. I have included a picture showing service and invitee parking in the driveway area even when the Elliots are absent. We are concerned that the new decorative changes to the driveway area will encourage overflow parking into the roadway that will obstruct our easement and pose safety hazards in an area of limited ingress and egress. Can a parking plan be developed so that overflow parking does not encroach on or block the roadway easement to my driveway? An earlier landscaping plan proposed obstructions such as landscaping islands and a large tree actually in the roadway. This plan proposes project activities that extend significantly beyond the bounds of the applicants' parcel and over public utilities. Shouldn't the roadway owner, rather than the Elliots, be the applicant for any changes to the roadway so cumulative impacts and mitigation such as parking, flooding and access to underground utilities can be fully assessed? Have the utility companies been informed of the plan to place a reinforced concrete slab over water, gas and sewer lines? [Incidentally, my driveway is one of the few areas where emergency vehicles have direct access to the Rincon Point beach.]
6. As we have not been provided with comprehensive landscaping plans including those for the ocean side of their parcel, we would like to express our concern about any alterations to natural landforms that would change the flow of water across the Elliott's property in the context of sea level rise and recent flooding.

Thanks,

Doug

8/23/2021

Gmail - PL 210035 Driveway repair and fencing project at 8120 Puesta del Sol







June 23, 2021

To: Jennifer Welch, Planning Manager
Residential Permits Section
Ventura County Resource Management Agency

Re: Proposed Project at 8120 Puesta del Sol (PL21-0035)

Dear Jennifer,

Per our phone conversation on Wednesday June 16th, you advised us that since this project is a permit for a Site Plan Adjustment, it is not appealable to the Coastal Commission. Therefore, it is not subject to a public hearing and if the decision is appealed, the appeal is subject to a \$1000 deposit and a fee schedule for any additional staff time required for processing. This is contrary to the assurances you gave us and the Commissioners at the December 13, 2018 Planning Commission hearing on the project. In a lengthy discussion regarding tree root protection in the event of future ground disturbance, Commissioner Aidukas asked you directly: "If there was an objection, there is a way to appeal that?" You responded: "Absolutely. There is an appeal process that is folded into our Code that because it is a discretionary action, even if it is a ministerial action, the Public has a right to appeal". Throughout the Hearing we were repeatedly assured that, should there be future ground disturbance, we would be able to come back before the Commission.

You also advised us that your decision of June 10, 2021 regarding the Determination of Application Completeness and Environmental Determination is only appealable by the applicant. In that decision you had consulted the County Counsel. Subsequently you emailed us a letter from Ms. Phelps of the Coastal Commission dated October 22, 2015 regarding the Appealability of Permit Modifications. In that letter she underscores that "a Site Plan Adjustment is 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. Additionally, these minor changes must not circumvent the purpose or lessen the effectiveness of the approved permit conditions and must be consistent with all other provisions of the LCP." We would like to point out that Condition 20 (governing the original project approval of 2018) expressly states that "the Project is not expected to impact the root system of the Cypress tree or any other trees". In addition, Condition 1 states that: "construction activities...will not extend beyond the boundaries of the subject property".

As was discussed at length in the December 13, 2018 hearing, a significant portion of the proposed project site and much of the adjacent protected biological resources fall within the one-hundred-foot buffer of the Rincon Creek estuary. Most of the fence falls within the protected root zone of tree number 3 determined to be ESH at the Planning Commission Hearing. Additionally, the fence also runs through the root zone of tree number 1, located in our courtyard, whose canopy overhangs the property line and

which was discussed at length at the hearing. At that hearing you also emphasized that "the Staff Report actually does recognize the trees as ESHA". Nonetheless, in our phone call last week you questioned our assertion that ESHA would be impacted by this project, effectively undermining determinations that were the central focus of our prior appeal and the underlying permit hearing.

Removal of even one fence post set in a poured concrete footing is not a gentle process. To repeat this action sixteen or more times does not constitute a "minor" ground disturbance that "would not have any adverse impact on the subject site or surrounding properties". There has been no analysis presented showing what removal of these posts would actually involve in this sensitive area. Indeed, the location and number of fence posts was absent from both the Site Plan and the ALTA survey. Absent this most basic information, the Applicant has not established what, if any, of this infrastructure falls on their property. How could an environmental determination be made without critical information about the proximity of the biological resources and coastal ESHA?

Moreover, given the existing errors in the ALTA survey, it is also foreseeable that this project could have a negative impact on neighbors that extends beyond the loss of privacy and security associated with the proposed reductions in fence height to outright appropriation of any fence infrastructure located on our property. Any part of the fence, including fence posts, that is on our property should be excluded from the Elliotts' project. Once again, we would like to point out that the fence is mislocated and mislabeled on the ALTA Survey and the wooden fence posts are omitted entirely. The nature of these errors and omissions obscures what is actually on the ground in a way that could well mischaracterize the scope of the project.

We note that the existing permit conditions were the result of extensive analysis, including that of multiple arborists culminating in the findings of the above Planning Commission Hearing. As such, this project fails to meet the Site Plan Adjustment criteria set forth in the Phelps letter cited above. It is clearly foreseeable that any permit modification involving significant ground disturbance could lessen the effectiveness of the existing permit conditions of approval which were crafted in response to a project that the applicant claimed would not involve any ground disturbance. Moreover, as mentioned above, the wholesale removal of 16 concrete-footed fence posts located in the root zones of two specifically protected trees, could well lessen the protectiveness of the underlying permit conditions. As such, we take issue with your contention that this is a mere Site Plan Adjustment, which effectively chills our ability to appeal to the Planning Commission without a significant financial burden. Given that these are core coastal resources (called nothing less than "magnificent" by Commissioner White who actually visited the site), it is against public policy and the spirit of the LCP to impose financial barriers to their protection.

We respectfully maintain that this project is not a mere Site Plan Adjustment and must be subject to penalty-free appeal to the Coastal Commission, with an associated public hearing. Once again, we would like to formally request timely notice by email of the

Planning Director's decision. Last time, the email notice of the Determination of Application Completeness of June 10, 2021 arrived four days later on June 14th.

Thanks for your consideration,

Doug and Jaleh White

**Ventura County Planning Commission
Resource Management Agency
Planning Division
December 13, 2018**

Rodriguez: Okay, moving on with the agenda with Item no. 8, case number PL17-0084. Greg Elliott applicant de novo hearing. Staff please.

Suphakarn: Good morning Chair Rodriguez, Members of the Planning Commission. My name is Pearl Suphakarn and I am a planner with the Ventura County Planning Division. The item I have before you took admission today is a de novo hearing for planned development permit case PL17-0084 and a consideration of a prior appeal to the planning division to approve a project.

The project site is located at 8120 Puesta Del Sol, in the Rincon Point community in the North coast. For reference, the appellant, Mr. and Mrs. White, property owners of 8128 Puesta Del Sol is the lot immediately to the west. Please also note that there are three Monterey Cypress trees on the appellant's property, one on the northeast and two in the south. The subject property has a general plan land use designation as an existing community and its located within the residential medium Coastal area plan and zoning destination is Coastal One-Family residential. The project site is located immediately adjacent to the beach and southeast of the mouth of Rincon Creek, which is considered an environmentally sensitive habitat area. Also want to point out that the Santa Barbara County and Ventura County line is the dot line right there in the middle. The dotted line in the middle of the picture is the county line that splits the two.

Here are some photos of the existing single-family dwelling. The one on the left is viewing from Puesta Del Sol, which is the front of the property. The picture on the right, viewing from the beach, is the rear and you can also see the appellant's cypress tree in the distance. The proposed project is a request for a planned development to construct a 525-second story addition, interior stairway, lattice overhang and renovation of the existing first floor. The Casitas Municipal Water would continue to provide water and Carpinteria Sewer disposal. I'm sorry and the Carpinteria Sanitary district will provide to its disposal.

The existing single-family dwelling was constructed in 1959 on a grade beam and caisson foundation. The property is considered legal non-conforming due to its uniquely designed layout of having four separate living area with no internal access to each other. The proposed first floor renovations includes interior remodel and combining two of the areas into one, thereby resulting in 3 separate living area. The existing building footprint of the existing single-family dwelling would remain the same. Here is the proposed second floor plan, the 525-square foot second story addition and it will be accessed by an interior stairway to connect the first and second floor. The proposed addition would remove less than 50% of the existing roof area of the residence, thereby will continue to maintain its legal non-conforming structure in accordance with the non-conforming section

of the Coastal Zoning Ordinance. By granting of this PD will not make the structure more non-conforming.

Here is the proposed elevation for the proposed project viewing from Puesta Del Sol. The maximum height including the second story addition will be 23-feet, which is less than the allowable 25-feet of CR1 zoning designation. And for reference, the appellant's property would be to the right. And here is another view, viewing from the beach. Again the appellant's property is to the left. The proposed project qualifies for a Class 1 Existing Facility Categorical Exemption pursuant to CEQA Section 15301(e)(1). Class 1 Exemptions applies to the projects that involve additions to existing structure which will not increase of more than 50% of the existing single-family dwelling or 2500 square foot, whichever is less. As discussed earlier, the proposed project includes interior renovations and addition of 525-square feet which is approximately 27%, therefore the subject, the proposed project qualifies under this exemption.

So I want to go talk a little bit about the timeline thus far for this project. The applicant submits for a Coastal PD permit in June of last year. Two months later the application was deemed complete for processing and at the time staff notified all the interested parties including the Coastal Commission and the Rincon Point Property Owners Association. Unfortunately, staff did not know that the appellant was not a party of the HOA, therefore they weren't notified about the project until much later on right before the Planning Director hearing. When the Planning Director hearing was set for February 15, 2018, two weeks prior to the hearing, staff mailed notification to the property owners within 300 feet of the project site and residents within 100 feet of the project site. A legal ad was also placed in the Ventura County Star. It was not until the day before the hearing that staff received comments from the appellant. And some of the concerns were that second story addition would impact their view, the chimney height, storm water run-off and flooding, and impacts to their Monterey Cypress tree.

On February 15, 2018 a Planning Director hearing was held. The appellant's representative also attended the hearing that day. The appellant's representative testified that staff report did not provide assurance that there will be no foundation reinforcement on the project. In addition, was there any information provided that the protected tree would not be impacted by the proposed project. During this time, the Planning Director has up to 40 days from the date of the hearing to make a decision.

The applicant felt it was important to address some of the concerns received prior and during the hearing, so story poles were erected (as you can see in the picture here) to depict the outline of the second-story addition. Photos were provided to the Planning Division confirming that the second-story addition will not impact the tree and will not necessitate any removal of any tree limbs.

On March 26th, the Planning Director approved the requested PD, in your Exhibit 3 of the packet subject to conditions of approval. The approval letter also sets

forth rationale why the Planning Director decides to approve the project and responds to comments and concerns received before and during the Planning Commission. I'm sorry. The Planning Director hearing. Condition No. 20 was added to the project to ensure that the applicant complies to the County Tree Protection Regulations should any removal or alteration of the tree occurs. And while the requirements would be for the applicant to submit an Arborist Report prior to any alteration.

A few days later after the Planning Director approved the project, the appellant files an appeal. These are the grounds of appeal based on the appeal form in your Exhibit 6. However, today staff would like to focus on two items that keep rising to the surface. And that is the appellant's contention that the existing foundation is not adequate and the January 9th storm which the appellant contends it was the debris flow which further compromised the existing foundation.

So I just want to take a quick step back because both of these properties have had significant foundation upgrades throughout the year. The appellant in 2007, in 2007 the appellant obtained a zoning clearance to replace their pilings. And in 2015, the applicant did the same thing. Obtained a zoning clearance to reinforce their pilings. Both were an extensive repair and maintenance project, therefore any substantial ground evidence or impacts to the tree roots would have occurred at the time.

In response to the appellant's concerns, the applicant provided lots of information from Van Sande Structural Consultants to ensure that the existing foundation would not require additional reinforcement. Van Sande concluded that the existing pile foundations have been reinforced in 2015 and has the strength and durability to support a second-story addition without additional structural reinforcement. These additional information was also reviewed for adequacy by Roman Smith, Senior Plan Check Engineer with Building & Safety and Roman confirms that the second-story addition would not require additional foundation reinforcement.

The second point staff would like to discuss today is in regards to the January 9th storm. In the early hours of January 9th, intense rain occurred over the Santa Barbara County foothills scorched by the Thomas Fire. The appellant contends that what occurred that day was a debris flow, which further compromised and damaged the existing foundation system of the project site. However, according to public works agency, no debris flow occurred that day in Rincon Point Community. Jim O'Tousa is also here. He's the County Geologist with Public Works Agency. Jim reviewed the project and should your Commission have any questions in regards to flood or debris flow. Another point I would like to discuss is that the subject property is located partially within the floodway, therefore during intense rain the property will remain subject to periodic flooding. However, the existing residence is designed on caisson's to provide enough support should any erosion occur partially beneath the existing foundation.

Both parties, the appellant and the applicant also submitted arborist report with recommendations, recommended protection measure for the trees. So staff took all of these additional information into consideration and we had internal meetings with the appellant to discuss the proposed project and the grounds of appeal. In response to the appellant's concern, staff provided the applicant and the appellant suggested revisions to the existing conditions of approval. Exhibit 7 in your packet has to legislative format, should you like to follow along. Condition No. 1, project description is revised to ensure that no ground disturbance would occur. No foundation work or removal of any vegetation is authorized by this PD permit. Condition No. 4, this is a standard condition that we impose on all discretionary projects, however, staff reinforced the language to emphasize that no ground disturbance, again, would occur unless a modification to this Coastal PD was approved. For such modification shall remain subject to Condition No. 20, again to comply with County tree protection ordinance. Condition No. 20 we also reinforced the language to ensure that the applicant shall not impact, shall avoid impacting the tree to the maximum extent feasible. And that any ground, above ground alteration of pruning of the tree that extends over the common property line shall comply with the Coastal Zoning Ordinance. The revised condition for number 20, we also implement Duke McPherson's Arborist Report which is the appellant's arborist into the condition in regarding hand excavation should any foundation work occur on the project in the future. And then further states that there will be no foundation reinforcement for this project unless a modification is applied for. Condition No. 1, No. 4, and No. 20 have all been revised to ensure that no foundation, no ground disturbance would occur.

The Planning Division and applicant made several attempts to revise the condition to address the appellant concerns, however, in the end the appellant requests for two additional trees to be protected in the portions of their southern lot. As we discussed, the project is not proposing any earth disturbance grading, foundation modification, and thus no impacts to the tree is foreseen. After eight months of trying, no solution, the applicant requests that the item come to your Commission today. So with that said staff recommends that the Planning Commission find that this project is categorically exempt from CEQA, make the required findings to grant the requested Coastal PD Case Number PL17-0084 subject to conditions of approval, and deny the appellant's appeal. That concludes staffs presentation. I'm available for questions if you have any. Thank you very much.

Rodriguez: Thank you. Questions for staff. All right, it's time to _____ to provide disclosure. So if I may, Commissioner White?

P. White: I have no disclosures other than I did visit the site last Tuesday and saw the property subject to the application and also the saw the three magnificent trees on the neighbor's property.

Rodriguez: Commissioner Aidukas.

Aidukas: I have no disclosures.

Rodriguez: Commissioner Kestly.

Kestly: I have no disclosures.

Rodriguez: Commissioner Onstot.

Onstot: I have no disclosures.

Rodriguez: And I have no disclosures. Questions of staff.

Onstot: I have a question.

Rodriguez: Commissioner Onstot.

Onstot: Do any or all of these trees extend over the applicants property?

Suphakarn: Yes the first one. So the one to the northeast, the canopy does extend over to the applicants property. So the trunk is located in the appellant property but the limbs kind of extend over which is close to the second-story addition.

Onstot: Okay.

Suphakarn: But the second-story addition will be far enough away.

Onstot: Do I understand Condition 20 to require a zoning clearance and a site inspection by an arborist before the applicant can even trim a branch?

Suphakarn: Correct. Should there, is any, you know, an alteration or if the applicant would like to trim the tree or make any modification, the applicant is subject to that condition to come to the Planning Division, provide an arborist report for us to review and approve before they can even obtain a permit to do so.

Onstot: County Counsel? It was always my understanding that the adjacent property owner has the right to prune something even when the trunks on the other side of the line. Is that not true?

Counsel: That's true but the Coastal Act, the Coastal Act still applies and so trees are protected under the Coastal Zoning Ordinance and so that's where you got a layer of permitting that's...

Onstot: Okay so that's where the power comes to impose this condition?

Counsel: Exactly.

Onstot: Okay. Thank you. I have nothing further.

Rodriguez: Okay this is a de novo hearing. I have a speaker cards. Can I have the appellant please?

Petrovich: Good morning Mr. Chair, Honorable Commissioners my name is Susan Petrovich and I'm an attorney with the law firm of Brownstein Hyatt Farber Schreck and I'm speaking on behalf of the appellants and I do have a PowerPoint that I'd like to quickly run through.

Rodriguez: Okay.

Petrovich: Thank you. First, I want to apologize for deluging you with letters and exhibits but we did have to for legal reasons make a good record. I do want, the key point here is that the Whites do not oppose the project. They support the project if the trees are adequately protected and in this instance we're mostly concerned with the root zone. As you can see the third bullet down defines tree removal and that would include the driving of piles through roots and that would be tree removal and then the last bullet refers to arborist Duke McPherson's report, that recommended pre-excavation be conducted with hand tools but he recommended that it be done by under the supervision of a neutral arborist, not just any tree consultant and so that's one thing we do not agree with on the conditions.

These trees are within the 100 foot ESHA buffer. They are very close to the Elliott house and we do appreciate all that your staff has done to modify the conditions but they still aren't adequate to protect these trees and we still believe that the project is inconsistent with the Coastal Area Plan, the Coastal Zoning Ordinance, and with Coastal Commission requirements. There's been no comprehensive examination of these wooden piles. The most recent, well, there have been a number of "assessments", visual assessments but there has not been any real examination of the piles and these things have been buried in saturated soil. Here, under this particular property, groundwater is at four feet. So you can imagine that these piles been in salt water for a very long time. This is a picture showing you how close they are to the White, to the Elliott property and this is even more telling these lines, these arcs that you see are under the Elliott house and they are, these are the way you calculate the root zone using the county's own ordinance of Section 8178-7.4.3. So as you can see there's very likely to be root zone, sensitive root zone under the Elliott house. No one's actually gone out and done any excavation, so the Elliott's did hire an arborist and he's a very qualified arborist but instead of following the county's calculation, and calculation for identifying the root zone and without doing any subsurface work, he in his own assessment assumed that the trees because it's sandy soil the roots would go down, which is just great except for the four-foot ground water elevation, the trees, this is not, these aren't mangroves. They can't live in salt water. So the trees, the roots are going to have to go out not down.

We believe that these, that the project, did I go past? These piers are not likely to meet the code and the next, not only has there been extensive flooding that's occurred periodically on this site but we disagree with Public Works and believe

that in fact there was a debris flow on this property. And as you can see by the handout that I've given you and one of the slides, the new FEMA map that just came out about a week ago shows that, in fact, this is a debris flow area. The Whites replaced their wood piles because they were rotten and the two houses were built at about the same time. So the idea that these piers can be assumed to be solid enough that there won't be a problem and they won't have to do any additional subsurface work to support them, is just not valid. Incidentally, thanks to Neil Maguire, we did receive the structural engineer's latest report on the piers and all he did was a visual assessment. There was no subsurface work and that was in December of this year. So here is one example of the flooding and as you can see those piles are being inundated and here is the debris flow in January this year and here is the close-up of that map of the debris flow and of course the property is just to the right of that dotted line where it meets the ocean. And this is just a quick memo from your Building & Safety folks reminding the applicant that a plan is not final until it's final and a lot of things can happen in the meantime, new information can emerge.

The staff has changed the conditions. They've done a pretty good job but Condition No. 20 still references only one cypress not three. We've never been able to figure out why they don't reference three. It doesn't reference the root zones for these trees and the need to protect them. It doesn't require the roots to be avoided. It says protected to the maximum extent feasible. That's not the same as avoiding. So and also there's no reference anywhere in that staff report about the site and those trees being in the ESHA buffer and we think that's relevant. So I have here a reference to the CEQA guideline and it makes it very clear that you can't use a categorical exemption if there's a reasonable possibility of significant environmental impacts due to unusual circumstances. And it seems to me that being in the hundred foot setback from an ESHA is an unusual circumstance. And then I just want to draw your attention to the Coastal Area Plan, their goal number one for tree protection is to protect trees that function as important biological and visual resources within the coastal area.

So I'd like to also draw your attention to the second bullet, development in the 100 foot ESHA buffer shall incorporate the best mitigation measures feasible and qualified biologists shall monitor any temporary disturbance. So the following slides will give you an idea of the quality of this ESHA. And this last one, I lost it. Is there anything you can do to get that back? So I included this slide because as Commissioner White noted these are magnificent trees and they have a very unique beauty in this landscape and this beach is used by the public. So again we, we only ask that you disapprove this project if you do not direct staff to include the red lining that we included in our submittal to you. The red lining just clarifies those various issues that I covered earlier. The Whites don't want to delay the Elliotts any further, they have no opposition to the project. They again just want to be sure that these trees are adequately protected and that all three of them are adequately protected not just one. Thank you. Does anyone have any questions of me?

Onstot: I have a question.

Rodriguez: Commissioner Onstot.

Onstot: What is the condition of the trees now? Are they healthy?

Petrovich: They are, they're quite healthy and they're mature.

Onstot: Okay. In my understanding of the situation is that the project will have no ground disturbance, no additional ground work is contemplated but your concern is that it will have to happen. It's happened to your client and it probably needs to be done to theirs and when it is done it'll adversely affect these trees.

Petrovich: We're concerned that there be adequate consideration of all these things because yes, we are concerned that they'll either get to the end of their planning and their final plans and realize well maybe we should make sure these things are intact and that they are reliable or they will start the project and they'll start having repercussions and suddenly it's an emergency, we're under construction and we have to fix these piles and let's just use, they talked about helical piers which are six inches in diameter and that won't hurt the trees and there's a lot of talk about that in record. So as a result we're concerned that this will get rushed through, the Whites won't be aware of it and the, I think the staff has done something, a good job of trying to deal with that but I don't think they went far enough, in just including this information in the record and in the conditions, so it's very clear that if they go back and have to do any work whatsoever on these wooden piers, adequate steps are taken that pre-construction excavation and complete avoidance of the tree roots for these cypress.

Onstot: If I'm correct your study indicated that the root zone extends under the home significantly. Is that correct?

Petrovich: That's a calculation. We did not go under and excavate. That's a calculation pursuant to the county ordinance that determines protected root zones.

Onstot: But you said that someone from the county didn't indicate that that the zones extended that far. Is that correct?

Petrovich: No they didn't even address the, what I said was that the applicants arborist said that the trees probably go down, they don't, wouldn't go out because of the sandy soil and first of all you can't make that assumption given the ordinance but even if you made that assumption, you have to take into account the shallow groundwater and in his report he didn't mention the shallow groundwater. Four feet is pretty shallow for roots for trees this size.

Onstot: What kind of excavation was required of your clients to solve their problem?

Petrovich: They did exactly what arborist McPherson recommended. They had an arborist come out and they had, they did basically digging, hand shoveling everywhere there was going to be a pile to make sure they wouldn't sever roots.

Onstot: Do I understand that this problem can be resolved by this you say helical? I don't know the term.

Petrovich: Helical.

Onstot: Yeah. It can be done without excavation?

Petrovich: No, what I said is that there's an implication that helical piles and they're actually mentioned in the record, that helical piles are no problem. We could just drive some piles in and it wouldn't, we wouldn't have to worry about the damage to the tree roots. And nothing could be further from the truth, because if you severed one of those big tree roots with a helical pile it's going to damage the tree. And so you'd have to do, that's why, McPherson the arborist is recommending that before you do any work at all on the foundation, you first do this hand shoveling digging to make sure you don't damage the tree roots.

Onstot: So how do you do that under the main structure?

Petrovich: Well the structure's elevated.

Onstot: I beg your pardon?

Petrovich: It's elevated.

Onstot: How high? How far does it clear the ground? Do you know?

Petrovich: Oh, we have pictures...

Onstot: I was just wondering if someone was going to physically do what you want done if the root structure is as extensive as you think it might be.

Petrovich: If we could, going to take you back and actually you can, you can see these, every time I do that, every time I go back. Can you go back to the beginning? Because I can't. Every time I go back it. Keep going in this. There's a picture, a photo of the, there you, go back. That was it. You can see how high off the ground it is. Those are the piles that you're looking at. Well let me see if I can point one out. There's piles there, there's piles.

Onstot: I see that. Is that an elevated portion for a carport?

Petrovich: Mm-hmm, that's the one we're talking about.

Onstot: What about the structure on the right?

Petrovich: These are the one, well that's.

Onstot: Okay.

Petrovich: This is where the piles are that we're talking about. They have concrete piles that they did work on many years ago but they didn't, haven't done any work on these wooden piles.

Onstot: Okay. Thank you Ma'am.

Kestly: I have a question.

Rodriguez: Commissioner Kestly.

Kestly: So if I understand, your clients concern is if you get down to the wire and you're going to start construction and it's suddenly discovered that you do have to do something to the foundation, that there might be some sort of a rush and then appropriate actions would not be taken. So this may be more of a question for county staff. Condition 20, I believe, requires a modification to a PD. What is required to get a modification?

Welch: Good morning Commissioner Kestly, the applicant would have to formally submit a modification application to the underlying Coastal Plan Development permit and the Planning Director through a discretionary action has to approve, conditionally approve, or deny the request. The applicants would be notified of that request and they would be well informed of any potential changes to the underlying Coastal PD.

Kestly: So it does require notification just like any other PD would be required?

Welch: Yes.

Kestly: Thank you.

Petrovich: And our concern is.

Counsel: I guess I would just add that also that brings CEQA back in because it's another discretionary approval. So you'd have to at that point see if there's going to be impact on the roots and the trees.

Petrovich: And we're just concerned that the...

Kestly: Thank you.

Petrovich: ...Whites may not be in the country. They do you travel quite a bit and they just might not hear about it and it'll be done before they can do anything about it. So we thought if the conditions included this additional protective language at least we'd covered there.

Rodriguez: Commissioner White.

- P. White: Thank you. Question, we've heard testimony here that there's no ground disturbance expected. The applicants structural engineer whom I know and respect has said that the existing foundation is adequate for the proposed addition and has inspected just recently this month the wooden piers that were of concern. My question would be, if there is no ground disturbance in carrying out this project, will your client be satisfied that the trees won't be disturbed?
- Petrovich: That the tree roots will not be disturbed, yes. I think Commissioner Kestly hit the nail on the head. Our concern is, you know, a rush, a hurry up, we've got to get this project going.
- P. White: And so that's a yes they will be satisfied that the trees will, tree roots will be okay, and if it turns out that it is required to do some foundation work once this thing gets reviewed by County Building & Safety then as I understand it there's a condition that requires it to all come back for further review and at that time this review of the analysis of what might happen with tree roots and how to deal with out would come up and everyone would have a chance to have input at that time.
- Petrovich: If they get notice, if the Whites aren't here in the country they wouldn't be aware of that and our concern was the Condition 20. Again it says, protect to the maximum extent feasible. It doesn't say avoid and that you can say to the maximum extent feasible but if somebody says I want to put a pile here and it has a root there, the roots going to be severed and it doesn't require an arborist to supervise. It requires a tree consultant.
- P. White: But if I can ask staff, would this not come back before the county if the foundation does need to be modified and ground disturbance that could potentially hit roots. Then would there not be a new opportunity to further condition this to do what Duke McPherson, to whom I know and respect as an arborist, has suggested needs to be done, could be done?
- Welch: Commissioner White, that's a resounding yes and I just want to mention two things. First, I was actually the author of the tree protection regulations in this LCP so I'm well aware of how to calculate the tree protection zone and I actually went one step further to do two calculations, the one that is the most prohibitive is the one that you adhere to. Also I want to mention, qualified tree consultant is actually defined in article two and that includes a certified arborist or a qualified tree consultant that has adequate experience and years under his belt as approved by the Planning Director. So we have this additional layer in Condition No. 20 that requires the applicants to number one, submit an arborist report to determine if any pruning needs to happen and that that is overseen by that arborist. The reason that we have those inspections is because the Coastal Commission asks that we make sure that these pruning operations are monitored so that we understand how small this tree could get over time. That layer is in there and it's not just Condition No. 20, it's the project description, its Condition No. 4 PD modification and Condition No. 20 that all state, no foundation is proposed or

permitted in this Coastal PD and if they do need to do any foundation they have to come to planning to modify the underlying discretionary Coastal PD.

P. White: Thank you.

Rodriguez: Any other questions of the speaker? Thank you.

Petrovich: Thank you.

Rodriguez: Okay, next. Okay, Mr. Maguire.

Maguire: Good morning Chair Rodriguez and members of the Commission, I'm Neal Maguire, the attorney representative for the project applicants, Greg and Michelle Elliott. I'm with Ferguson, Case Orr Paterson here in Ventura. We also have Scott Boydstun of Rasmussen our architect, as well as _____ of Van Sande our structural engineer to answer questions although they have been answered very clearly and accurately by staff so far. Before I get into the substance of my comments, just to clear up some of the concerns that we've heard before, I'd like to introduce Greg Elliott to say a few words about the project.

Elliott: Thank you all by the way for all the time. A lot of work has been done on my property for the past year, many hours and I certainly appreciate it and thanks for giving me a chance to say something. Again I'm Greg Elliott, that's my house and I first came to Rincon on a college surf trip. It would have been 1986. We were down in San Diego and we heard that Rincon was breaking. Obviously I'm a surfer and I got to come up and it was perfect and as I'm walking along the beach you can see all these houses like this one along the way and I was like wow people get to live here too. So for the next couple decades I worked really hard. So we started renting a house in the summertime, about seven, eight years ago now, we're renting a house in the neighborhood before we finally had the opportunity to buy this house and in the neighborhood it's known as the Hazeltine house, one of the original ones and loved the fact that it's mid-century. Love it that is from 1959, however, it has never been updated and it does need a couple of updates by now, you could imagine. It doesn't have a laundry room. It doesn't have a guest bathroom and look we want to make it really inviting to guests that we bring to enjoy it as well. So this is my project, you can see that elevated room, you've seen it before, that that back elevated piece, it's really two rooms it looks like one room to me, that's it. And the most important parts to us when we were doing this, were number one, it remains consistent with the integrity of the original architectural design and two that it fits in with the neighborhood, including the houses around it and I believe that one elevated piece captures both of those. You could see the lines, they're very consistent. It still maintains that mid-century design and secondly that elevated section that's on the parking side of the home, is exactly what both houses on either side have as well, including the Whites. This is the house that's right next to me on the other side, so on my east side, and it's that same setup.

Speaker 1: We need to direct you to speak in the mic, when you turn sideways _____.

Elliott: I'm sorry.

Speaker 1: Thank you.

Elliott: So it's the same setup as that on either side of me. And look there's a lot of discussion about the tree, now multiple trees as well and just so everyone hears it for me, I understand concerns about a tree. We love the tree as well, look we are, the trees as well. We built the house in Houston many years ago on a lot that had magnolia trees and live oak trees and we did our best to protect them and we did and we call them arborists here, in Texas we call them tree doctors. We had one on staff. We were very careful about all that and with or without this added language and all the things that are now in my permit, I would not do anything to hurt the tree. I don't need all the language to tell me that right. Over the past ten months now we tried to address the concerns and we understand again we do not want to hurt the tree. We feel like we've addressed all that and I wouldn't do anything to hurt the tree. Thank you.

Aidukas: I just have a quick question for you please. That's me. Hi.

Elliott: Hi.

Aidukas: What's your background?

Elliott: My professional background?

Aidukas: Sure.

Elliott: I work in what's called private equities. So we take pension plans much like you have here and we invest them in industrial companies. We buy industrial companies and we try to make them better.

Aidukas: That's good. I just wondered if you had a background in architecture and it seems like you have a very strong affinity for that mid-century aesthetic because you were talking about the roof lines and that piqued my interest.

Elliott: I do not have a background.

Aidukas: But you have a fine appreciation.

Elliott: I really have a fine appreciation of it.

Aidukas: And is this your home?

Elliott: That is our second home. I live in Houston and I'd like to move here ultimately but I have a 14-year old who's in high school there and have a job for now in Houston.

Aidukas: Good, good for you. The other question that I had was, do you have an objection to having some kind of language added to the condition regarding the trees that might, the roots that might be from the other two trees?

Elliott: I believe we've covered all that and I don't have an objection to what's written now. I'm looking at you because I'm not sure exactly what that means.

Rodriguez: Mr. Maguire.

Maguire: If I could step in, so our condition does address those two trees. I'm a little puzzled by the comment that Condition No. 20 does not apply to the two trees on the south because to be clear it also applies to any foundation work on this property. We went above and beyond, not just foundation work associated with this project.

Aidukas: Let me just follow up with staff very quickly to get clarification in my mind.

Maguire: Yep.

Welch: Commissioner Aidukas? Sorry to interrupt Neal. Condition No. 20 actually references the Coastal Zoning Ordinance Section 8178-7 which is the tree protection regulations and in those regulations it talks about identifying the tree protection root zone. It identifies pruning. It identifies the procedures for obtaining zoning clearance and permits and so it's inclusive of all of that so.

Aidukas: So is it an inclusive of all the trees?

Welch: Correct, correct.

Aidukas: I would hate to like find out that this tree, this root that I might think comes from here is actually from over there so it's, it's all inclusive.

Welch: So first, no foundation or earth disturbance...

Aidukas: Got it.

Welch: ...is permitted with the CDP.

Aidukas: Mm-hmm.

Welch: If they come back, then not only do we do additional environmental review, but this host of regulations comes into play and that's where they have to look for the roots, manually do subsurface excavations...

Aidukas: But that's speculating that there's something that's going to occur in the future but what we have before us, everything's covered.

Welch: Correct and there is no conflict. Thank you, appreciate it.

Maguire: Thank you.

Rodriguez: Any other questions of the speaker? The applicant?

Maguire: I did have a presentation.

Rodriguez: Mr. Maguire, go ahead.

Maguire: That I think...

Rodriguez: Thank you Mr. Maguire.

Maguire: _____ sit down and perhaps we can just run through it very quickly.

Rodriguez: I'm sorry Mr. Elliott.

Maguire: No and just to clarify again some of the items because I do really want to point out I think from our perspective how far above and beyond we've tried to go over the last 10 months to address these concerns. So I'll skip through the story polling because Ms. Suphakarn covered all of that but that was the very first thing that we did after the Planning Director hearing, where we received these comments as we went out and we story poled in order to address those concerns. Once we did that, we did get the, you can see there, the site overhang but we did get the concerns then that turned more towards the root zone and again, I just, I have to hammer this over and over again, this project from day one has said that we will not be doing any ground disturbance. The original staff report that you have in your packet at Tab 4 says no grading, no foundation work, all of that, it's very clear, so that's what we tried to do over the last two months and when Ms. Petrovich references, well there's references to helical piers and so on. What we were trying to do was to say, look there's no ground disturbance, if in the future things happen here's what we'd do. And we tried to provide an additional level of comfort to the neighbors by referencing those but again my concern with doing further work all along was that essentially no the good deed goes unpunished because it does get used against us. Well, why are you referencing helical piers if you're not going to use them? Well we were trying to show that there was a non-invasive way to address any concerns as speculative as they may be even if those issues arose in the future.

So I did want to address a couple items though because we heard from Ms. Petrovich that Bill Spiwak our arborist did not do any underground investigation of the root system and that's accurate. What's not accurate though is that there's never been any excavation, because again in 2015, prior to the Elliott's purchasing the home when the Hazeltine's had it, they reinforced all of the foundation except for those four wooden piers at the carport there. In that process, the people who are doing the work, they did all of that work by hand as well they did not encounter any roots in the area and that's an exhibit, a letter from Van Sande in Exhibit 9 of your packet. So there has been subsurface work in that area that has not encountered roots.

There was a question about the clearance, obviously the carport is not representative of the home as a whole, there is about 24 to 36 inches of clearance there but again the work that we've done with Van Sande in April and May of this year and the work that has been blessed by county engineering staff, by Roman Smith, you know, what we did was essentially accelerate the Building & Safety process that usually comes after planning approval and usually people don't want to commit the resources to doing that work until the planning portion is done because you want to have that certainty. We accelerated all this and we're very appreciative of county engineering staff for doing that as well to try to make a few things very clear. And again, through all this whole process no ground disturbance has ever been envisioned but we wanted to ensure that the neighbors were comfortable that the existing foundation would be sufficient and in 2015, that existing foundation was actually enhanced above what it had been so it was reinforced to a 300 percent level.

We also had Van Sande look at and say okay, those four wooden piers that remain that have been raised by, the issue was raised by the neighbors, we had Van Sande look at, is this addition, is this proposed addition even going to put any load on those piers. No, the answer to that is no and Roman Smith confirmed that. The next comment that we got after that is well the last work that you did on that was 20 in 2015 and we had this winter storm in 2018. We had Van Sande go out this month and look at the piers again and they have concluded that they remain in excellent shape. They are structurally sound and according to the letter that you have in Exhibit E they will last for the life of the structure of the home. So again, we have done quite a bit from the engineering side to ensure that the neighbors' concerns have been addressed and to provide the certainty that we don't have any ground disturbance that's being envisioned here.

With that said we also went above and beyond with the conditions. We proposed the language that you have in Exhibit 7 several months ago and again, it applies if there's any foundation work whatsoever, again, not even related to this project. If in 15 years the foundation needs to be reinforced for some reason associated with the site conditions and again, not related to this project, we have agreed that we will come back in for that modification to the Coastal Development Permit. That's not something that we have to do even under the code and you saw that the prior work that was done by both the neighbors and the prior owners here were done with a zone clearance. We're happy to take on those obligations because we wanted to address the concerns.

Again we're puzzled that there's a feeling that there's something missing from there. Again, all of the foundation work would be encompassed, there's no carve outs of the two trees on the south there. If those root zones are impacted in the future by any foundation work, these condition comes in and applies and of course we always have to comply with the code itself, which has very specific, very detailed, Ms. Welch did a very good job with that ordinance and essentially requires hand excavation for work in the area as well. I want to just, the point that Ms. Petrovich made with regard to the maximum extent feasible as opposed to

avoidance, we did want to leave open the possibility that if there is a root that comes in as damaging the home, that that is something that can be addressed in the future. That was my concern with that language. That there's not an absolute there just because we wanted to avoid that circumstance. So I know I'm belaboring the point, I've covered ground that's been covered very well by staff, if you do have any questions for us we are available to answer them.

Rodriguez: Yes Commissioner Aidukas.

Aidukas: I did have one question occur to me. Mr. Elliott mentioned that there was no laundry room and no guest bathroom. So what has to be done to have new lines for those?

Maguire: I think that work has actually already been done and...

Elliott: Yes.

Maguire: Perhaps Greg can come up and.

Aidukas: That's fine. So there's nothing moving forward that.

Maguire: Correct.

Aidukas: Okay, thank you.

Maguire: Thank you.

Rodriguez: Any other questions? Thank you.

Maguire: Thank you for your consideration.

Rodriguez: Continuing with the speaker cards. I have Mr. White, is that Doug White?

D. White: Yes, I'm Doug. Commissioners I'm Doug White. I'm the appellant and maybe the most valuable thing I could say while I'm here is why I'm here. I'm a retired farmer. I've lived at Rincon for 60 years. I don't take it for granted for a day. As a farmer I'm concerned with stewardship. I'm concerned with taking care of the land, concerned with taking care of resources and so as well as a long-term Rincon resident, I'm aware that any kind of carelessness with construction can have big consequences. Since resources in Rincon are so concentrated in a small area and it's such a public space, I think we need to be particularly careful and I was concerned as I looked into this project, as I became aware of the possibility, that, particularly in one meeting in April, that there could be the use of helical piers, the thing that concerned me about that technology, I didn't, I wasn't familiar with it before, is that helical piers are essentially metal cork screws that are screwed with a high torque engine into the ground but blindly. So even if you have an arborist standing right next to the operation, you can't see what's going to happen unless you pre-dig. Now it might seem unreasonable to ask for pre-

digging but I experienced that myself when we repaired all of our pilings under our house. The reason we did that hand digging as we needed to because we were replacing wooden piers with carbon fiber piers. We had to hand dig everything down below water level, shore it like a mineshaft, pump out the water, keep on going. It's tough but it's possible. I learned in when I did that project that the way you examine a wooden pier is not to just look at it from the outside. I spent a whole day under my house with a timber analyst who specialized in old wooden piers and you take a core and then you get a good sense and they actually make a map of each piling showing the degree of decay and the long-term life of the piling. He told me at that time that a piling in these conditions usually has a life of about 45 years. The Hazeltine house was done in 1959, we built our house in 64, basically the pilings are a little bit older. I know the house well because I visited in 1960, the architect was a friend of my family's and so I'm quite familiar with the building.

Now you'll see in the letter from Duke McPherson that he met with me on April 17th. The reason I met with him and called him was because I was so concerned about what I had heard in a meeting called by staff on April 16th. That was when the issue of the use of helical piers first arose and that was when I became suddenly sensitive to the fact that all my trees might be a risk rather than the initial trees that I raised. So I think it's important also to remember that because of the proximity to the creek and estuary that all these trees are specially protected. Now I wanted to also point out that it is like living in a national park. I asked people that I saw on the beach if they cared about the trees and about 90 people signed this petition. It's in the record and I think that's indicative of the fact that we have to be aware that it's not just not just jobsite it's an especially valuable area and we have to be particularly careful not to not hurt it.

Now just to clarify one other issue, I didn't want to contend that a mud flow damaged the Elliott's house, what I would like to say is that the mud flow happened and it should be analyzed as a future problem and I feel that those wooden piers are uniquely susceptible to that risk. In the past we always looked along the coast at damage from the ocean, wave run up studies, now we have this new threat and I would like to correct the record. Since I suffered the damage from that mud flow that I've been there long enough to remember flood events where the Creek would flow bank-to-bank, the worst in 69, 80, 83, 95, they're all burned into my brain. This was not a flood. There wasn't that much rain but there was a blast of energy that came through the tunnel underneath Highway 101, strong enough to move boulders, some 36 of them, weighing between two and three tons each out into the surf zone. We had never seen anything like that happen before. It happened in just 15 minutes, two hours later there was hardly any water in the river. It wasn't a flood, it was a debris flow event. So I'd like to be clear about that and I feel it's very important for the whole county for Ventura County as well as Santa Barbara, that we analyze these events and learn from them and assess our degree of risk. Now I think that's essentially what I had to say. Do you have any questions for me?

Rodriguez: Commissioner Aidukas do you have a question?

Aidukas: I just want to make sure that you understand that the helical devices are not before us. There's going to be no ground disturbance and no change to the piers as they appear not to be required.

D. White: When it was presented to me as a likely possibility in April, I became concerned. When it was disavowed in August, I wasn't terribly convinced. It seemed to me that there were still problems where these might need to be invoked and a lot of the language indicated they kept restricting the conversation to just the area under the addition. I'm still a little worried that Building & Safety down the road may decide that this is necessary and should it be necessary I'd ask you to give me the peace of mind, give me the extra protection and assurance what do they lose if there's no foundation to work going to be done, it certainly doesn't hurt them to acknowledge that these are especially protected trees and should anything be done it needs to be done according to the root zone specified by Duke McPherson and the method that he suggested which I think provides an easy solution.

Aidukas: But again I want to make sure that you understand that that isn't before us today. That's something that would occur separately if it was deemed necessary down the road and that there would be another opportunity to have engineers, experts, consultants, discuss it. I think everybody is in agreement that the trees deserve protection and that they will be more than adequately protected. And I see that you're not I'm not reaching you.

D. White: I would like the peace of mind to have ironclad protection because I'd like to be able to walk away from this right now. I'm sure Greg is tired of it. I know I am. I just like the peace of mind of knowing that this has been really resolved because I have other things to do with my life and I'm sure Greg does too and I would hate to see this linger on and on and on and have that uncertainty. I don't think what we have proposed in any way harms them and it does give us that peace of mind because there been so many errors and omissions throughout the process. They're in the record. We've identified them and I think it's, that plus my past experience losing beautiful trees at Rincon in the relatively recent past, that's what made me decide to get involved.

Aidukas: All right, well thank you.

D. White: Thank you.

Rodriguez: Thank you. I have three other speaker cards. Is it, I can't pronounce the first name. White is the last name. Can you help me out with the first name? And then I have a Giti, I'm assuming it's pronounced Giti White followed by _____.

Maguire: Mr. Rodriguez?

Rodriguez: Sir?

Maguire: _____ is part of the applicant team. He's our structural engineer.

Rodriguez: Okay did you have?

Maguire: And he's available for questions.

Rodriguez: Did you have any questions of the structural engineer while she's up here or any comments you'd like to make. I'm sorry go ahead.

J. White: Good morning Commissioners, my name is Jaleh White.

Rodriguez: Hi Jaleh.

J. White: And I am the other half of the appellant. The reason I am here is this off-again on-again foundation modification has been going on for now eight months. One of the important meetings that we had and it was not part of the staff recited was on April 16. At the request of the planners, we came to the office and we had a two and a half hours of meeting regarding the foundation and the tree protection for all the trees not only one tree. At that meeting on April 16, we were told that definitely there would be helical piers used for the foundation but they did not know how many and where. So we were told that they were going to go and find out how many helical piers were going to be used and where very soon. The next day our arborist came and measured the trees according to the Ventura ordinance and measured the roots, decided where the roots are. So we heard nothing from the county until August 7th, August 7th they asked us to go back again, this time they said okay maybe they're not helical piers going to be used. So this off-again on-again foundation modification has been going on for months. And another point was they were only concentrating on one tree and in the staff report one of the things that bothers me a lot is that all of a sudden on September 28th out of the hat we brought out two other mature cypress trees and the applicant got unhappy about it. Why would we do that, we have been talking about the trees for months and their protection and another matter that another point that became very clear to us on August 7th contrary to what I hear today, is if there is going to be a foundation modification, then the planners have sole discretion of approving the project and we won't have the opportunity to appeal. If that is not correct I like to know that if the future, in the future, there will be modification to the foundation do we have the opportunity to appeal or not? That is something is very important for us and for the trees. On August we were told that it's the sole discretion of the planners to decide for the permit adjustment, rather than we have any saying it. So that's all I have to say. Thank you.

Rodriguez: Excuse me. Question Commissioner Aidukas?

Aidukas: I just want to follow up on that because it sounds like there was some, you know, miscommunication. Could you go through what's actually before us and then the speculation that there might be future work and how they're notified and how they are involved in that process if it ever occurred?

Welch: Yes Commissioner Aidukas. So before us now is a coastal planned development permit. It's a discretionary permit meaning a decision-maker has to approve, conditionally approve, or deny the project. It is not a staff level administrative approval okay, neither would any modifications to the permit be a staff level discretionary approval. It would still go to the Planning Director okay. So there is no foundation work, there is no earth disturbance as part of the proposed project, okay, but we did have this Condition No. 20 to say hey if the second-story addition needs to require any pruning of the branches, which by the erection of a story poles doesn't seem necessary but we added this additional safeguard then the applicant has to come in with a certified arborist report with recommendations on pruning and then they oversee those pruning activities. We spent several months with the Whites and with the Elliotts to hopefully address your concerns regarding the trees. I'd like to correct Ms. Petrovitch in that the staff report actually does recognize the trees as ESHA and we went one step further to recognize any bird nesting that could potentially occur during the bird nesting season. The applicant has to do surveys and they don't get to construct if there's any nesting birds until those birds fledge. So we're well aware of the environmentally sensitive habitat of Rincon Creek. Now you're correct, we did have meetings and we talked about helical piers. Helical piers are from what I understand and I'll defer to the structural engineer a very non erosive way to reinforce a pile versus trenching and then removing it. And we went through that process so everybody understood it's one of the less intrusive construction methods to reinforce piles. We were only investigating that. The permit had always said no foundation work, no ground disturbance. We heard you. We heard your concerns and that's when we reinforced the conditions to restate three times that no foundation is permitted as part of this Coastal PD. Now if during the course of construction there is an incident where, oh we have to reinforce, work is halted, and they have to come back to the Planning Department and reconcile that issue through a modification and potentially more environmental review. They don't get to continue to work because that was not a part of their entitlement and so as the permit stands they have to comply with the Coastal Zoning Ordinance Tree Protection regulations which are very, very comprehensive and they have to come back to modify the permit if they do any foundation work or earth disturbance associated therewith.

Aidukas: And following up on that if there was an objection there is a way to appeal that as well?

Welch: Absolutely, there is an appeal process that's folded into our code that because it's discretionary action, even if it's an administrative action, that public has a right to appeal.

J. White: And we would be notified?

Welch: Absolutely.

J. White: So I have one more question, up to now it has been only, first it was on February 15, it was anecdotal tree. It was not any mention of any trees, it was anecdotal tree, one tree, then to months and months and spending hours and hours and thousands of dollars of money on our part, now it's only one tree. Condition 20 if you look at it is only one tree and other trees. Not three trees, not three trees. So we like to make it very clear that there are three trees on our property and we like protection for all of them not just one tree on Condition 20, is only one tree still not under mentioned other tree's not identifying them by tree number, one tree number, two tree number, three and their root zones. We like to have all the root zones there so in case in the future they want to have used these helical piers. As it is, it says no disturbances and no foundation modification under the addition, not under the whole renovation, first floor renovation and I should mention that the addition, the second-story addition is above what the covenants for Carpinteria Sanitary District so they can't put anything underneath there most of it it's restricted covenants. The rest of the house where the helical piers could be also should be included in the not having any foundation disturbances. So as it is it's only under the addition they say there will be no helical pier or no foundation, not on under the whole house. I'm sorry it's very complicated. We have been reading this for months and each time I read it, I become even concerned. If in the beginning when the application was filled it would say there are three trees on the next door, so we do everything to protect them we wouldn't be here. We wouldn't have spent all this time and money and the staff time and your time. That wasn't done. When in the application they said are there any trees to the adjacent property? The architect said no, so that's how the whole thing is started. Are there any restrictive covenants? No, that was wrong. Is there any creek? Creek they were mentioned it was on the east side. It's actually on the west side of the building. So the application had problems that's why we are here.

Rodriguez: Okay, thank you, not to interrupt but I think we understand why we're all here and I think staff had a follow-up comment to your comments.

Welch: Yes, so Mrs. White good to see you again.

J. White: Thank you.

Welch: You know it's if you look at our discretionary permit application it's pretty laborious and it's not uncommon that people put down incorrect information but fortunately we have really, really good case planners that unravel that to make sure that what they're working before them is accurate and legitimate okay so when those things came about, Nicole _____, who was the case planner, recognized that there were trees associated with Rincon Creek and she identified that in the staff report and thus the ESHA requirement for bird nesting. So we do recognize the trees and in the revised Condition 20 it does not distinguish what piles. It is an inclusive pile foundation for the entire house and I'd just like to state the condition in legislative format. It states, additionally and as noted above, no subsurface foundation work is authorized by this Coastal PD Permit. The

project is not expected to impact the root system of the cypress tree or any other trees so that would include all the trees on your site. However, and only to address the comments from the neighboring property owners, in the event that foundation work is required in the future a modification of this Coastal PD shall be required as set forth in Condition No. 4 above. Such foundation work shall first require manual subsurface inspections overseen by a qualified tree consultant of approximately three to four feet deep, which is what Duke McPherson had recommended to inspect the protected tree roots. Roots in excess of two inches shall be protected to the maximum extent feasible. Now, I've worked with Duke McPherson and I've worked with Bill Spiewak and I've worked with a number of other arborists and when they do sit there, over there, monitoring they make sure that any roots that are going to be pruned or that they are doing it under the guise of ISA standards which is the International Arborist Standards okay everybody follows those rules. We've even referenced them in our tree protection regulations. So I've really tried to put in a number of safeguards to ensure that these trees will be protected, I don't know what more we can do.

J. White: What you can do is to say this is number one, this is number two, this is number three rather than any other tree because I'm thinking if construction workers are working, how do they know what is other trees there are so many other trees. There are some on the other side there's some across the creek, construction workers should know where the trees are where the roots are. That's what we like.

Welch: And at the arborist oversight during if and when they even have to do any excavation that arborist would be able to determine where those roots are originating from and that's part of the condition.

J. White: It would be very helpful if all the trees were recognized as one, two, three with the roots that's all we're asking. We're not asking for something extraordinary you're asking the trees are there, your ESHA and you say where the roots are so if somebody is digging they know that's the tree and roots so I will be careful. That's all I'm asking and thank you very much.

Aidukas: Thank you.

Rodriguez: Thank you.

Aidukas: Can I just ask just staff I'm looking at the language in Condition 20 and it has to do with pruning, that's just pruning limbs, that's not excavation at all?

Welch: Correct.

Aidukas: So you don't need to worry about trees that aren't hanging over the property. You got to look at the whole thing.

Rodriguez: Okay, Mr., is it Giti? Is it, White?

G. White: Yes.

Rodriguez: Pronounce your first name.

G. White: Giti White.

Rodriguez: Okay.

G. White: Good morning Commissioners I think you know the reason that one of the main reasons we're here is that we've got ambiguities and inaccuracies that persisted from February all the way through to now and there are things we could do to tighten up the conditions. The project conditions are still ambiguous. Amended condition of approval on page number two suggests that foundation modifications will not be required in, you know, for the second-story addition but does not fold in the first for renovation into that and so one way to clarify that there won't be any foundation modifications required is to fold in the first floor renovation as well as the second-story addition. So that the project as described in its entirety is analyzed and to clearly state that that won't require...

Welch: I, could you tell me what condition you're looking at that you think is ambiguous?

G. White: It's on page, I actually don't have it in front of me but it's on page number two.

Welch: Okay I'll do my best to catch up with you.

G. White: It's on the page and it basically it says that it's limited to the second story edition and that's actually what staff said here as well so whenever we say that modifications won't be required that's been tied to the second story edition not folding in the first floor renovation, and that is a larger scope project, more of the floor plan would be impacted and that comes closer to the two trees that have been thus far left out, and that's why we want to make sure after that discussion in April that those trees root zones are protected as well, and that the prohibition on foundation modifications or that analysis includes the first floor renovation. Why not include the whole project, why not protect all the tree root zones. Other concerns are, basically errors and emissions that persist in the aerials you know we've basically gone through months just to get to the point of recognizing three trees, recognizing that there's ESHA, identifying meaningful site constraints which were readily verifiable and still don't exist in the staff report, like the existence of sewer infrastructure underneath the house. The existence of adjacent drains, the proximity to the creek, you know, the final aerial image suggests that this project site is far from where it actually is. It actually is at the corner of Puesta Del Sol not further down the beach as the staff report suggests so the proximity would have protected habitat is really important.

Other meaningful site conditions are not, I mean we never alleged that this project site was damaged by the mud flow but the point is we experienced a mud flow. Heavy equipment was out there for days, there were significant feet of mud on site on our property, on neighboring properties, on properties on both the Ventura

and the Santa Barbara side of Rincon point. It's a warning, and it's a warning that you know I really appreciate Santa Barbara County stepping up and assessing the risk to our community, mapping us as a debris flow risk area. I think it's, you know, we would do well in Ventura County to learn from how they've addressed the disasters after the Thomas fire because there's significant burn areas here and the types of impacts are widespread in Carpinteria Valley, and so it's not just one place or another that might experience mud flow, and there are logistical issues like we experienced for days, heavy equipment moving dump truck loads of mud out of our community. Where to put it? How local governments coordinate in order to remove it when roads are closed damaged and what kinds of things are going on. So I think the thing is assessing these risks, accessing the actual constraints of the site, and tightening up the language. Protecting the tree root zones, what's the harm? This is a really special place it matters to a lot of people, it's required by the tree protection ordinance. Why not specify that the project all aspects of it are not going to require foundation modifications up front rather than commit to it and then how'd that happened later and not assess those impacts prevent those harms, thanks.

Rodriguez: Thank you for your comments.

Welch: Planning Commission, I have Jim O'Tousa sitting in the audience and I don't want to hold him any longer than is necessary, so I asked Jim to come so he could talk about what occurred on January 9th during that storm flow. He actually had boots on the ground...

Rodriguez: Sure.

Welch: So do you mind Jim coming to the podium? Thank you.

O'Tousa: Good morning Commissioners my name is James O'Tousa. I work in the County of Ventura Public Works Agency as a geologist. I happened to be in that community at about 5:38 that morning because of the event that was occurring. We were watching on our normal storm patrol. So we drove the coast thinking La Conchita was going to be in harm's way and we continued up through Bates road and it was experiencing flooding. I'm not going to contend there debris flow but these were flooding events that occurred as opposed to the Montecito type debris flow that they experienced in Santa Barbara County. So with that being said, if you've been up there you know that there's a box culvert underneath Highway 1. So if a debris flow was to clog that it would build up and then flow down the under crossing of Bates Road. And at about 5:30 that morning, we couldn't turn around at Bates Road, which is the end of our county, which is where we turn around because of flooding. So in the type of event we had and looking at the hydrograph, if you will, how the rainfall came it came a lot of rain, very fast, about an inch in 15 minutes, Santa Barbara got hit with. So as a layperson, I can understand why you would think that kind of runoff in one of these creeks would be a debris flow or a mud flow. But in reality, that creek did not experience the same kind of debris flow Santa Barbara experienced and it is in a FEMA flood

plain meaning that it is going to get flooding when we have significant rain events. Any questions?

Rodriguez: Questions our speaker.

Aidukas: I don't know that it's your department actually but did you were, you were here during the presentation where you saw the water on the subject property. Would that affect its structural soundness? Or is that not your...

O'Tousa: That would not be me but water picture they gave two pictures. The second, the water picture was simply from a flooding event, from rainfall. The second picture was more what I would call the terminus of a flood event where it carries debris and sediment with it.

Aidukas: It's not his..

O'Tousa: I don't know if that answers your question or not.

Aidukas: Good enough thank you.

Rodriguez: Thank you for coming.

O'Tousa: All right.

Rodriguez: Thank you. I have the last speaker card. Mr. Maguire you say this is your structural engineer, Mr. _____?

Maguire: Mr. _____ was just available for questions.

Rodriguez: Just available for comment okay thank you. We have any other questions, requests to staff?

Welch: Thank you County Commission. I just want to reiterate to the Whites, you know we've worked really hard to really safeguard these trees and we've really reinforced these conditions. And so one of the items that I think may assist you Giti, is in Condition No. 1 the project description, it states that no ground disturbance is proposed as all new development is located within the existing development footprint or building footprint. And you're right, it says the proposed second-story addition will not require supplemental reinforced concrete pier foundations. We can revise that to say the proposed project that way it's inclusive to all the modifications to the house; the interior and the second story and that way it captures everything and I think that will even reinforce this condition even better.

Rodriguez: Okay thank you for your comments. Commissioner White?

P. White: I have a question of staff, we we're about to hear another one of these beachfront permits and we heard one earlier this year where sea level rise was taken to

account and wave run up analysis. We all know that with climate change that it's projected that the sea level will rise significantly around the world and here in Ventura County. And in the second permit that's coming today there is a sea level rise and wave run up analysis done and it was done on the previous one. Can you explain why on this permit that hasn't been done? It seems long term that both of these properties, the applicant's property and the appellant properties will be subject to flooding? Maybe not just Rincon Creek but also the ocean and why aren't we dealing with that today?

Welch: Commissioner White the project that we heard a couple weeks ago, and the second item on today's agenda, involves a demolition of a single-family residence and a reconstruction of a whole new residence. So as I had mentioned in the previous hearing, the Coastal Act says if you take out more than 50% of your structure you no longer get the benefit of being called an existing structure. You're considered a new structure and therefore you're subject to the litany of review to make sure that new structure complies with the Coastal Commission sea level rise policy guidance and thus the need for a wave run up and the additional analyses associated with that. This project is an addition. It's far less than the 50% percent. Pearl said it was around 27% and therefore they get the benefit of the existing development and therefore no change in the footprint and thus no need for a wave run up.

Rodriguez: Okay thank you. There being no other speakers, we'll close the public hearing.

Aidukas: So there's no rebuttal?

Rodriguez: You're right.

Counsel: Yeah, the applicant...

Rodriguez: Yeah.

Counsel: Should have the opportunity.

Rodriguez: Thank you, thank you.

Aidukas: Is it the applicant or the appellant?

Counsel: It's the applicant.

Aidukas: okay.

Rodriguez: Mr. Maguire, Mr. Elliott, your rebuttal. Thank you, I forgot.

Maguire: Good morning again and thank you for the opportunity. Just to be brief to first state we are amenable to the modification that Ms. Welch just mentioned there. Again we of course want to provide the clarification that's needed. With regard to Mr. White's comments, I just, I think it's clear now, just want to make sure that

what he had been asking for with the hand excavation from the Duke McPherson report, that's been incorporated into the condition, we plan to comply with that. So all of the other items have been adjusted by staff I believe. We're available for any questions but thank you very much.

Rodriguez: Thank you. Okay, we'll go ahead and close the public hearing. Commissioners, comments? Yes Commissioner.

P. White: Yeah I want to thank everybody for coming, spending their morning here in County Government Center. I think that all of us up here are interested in doing the right things always and I know the appellants are concerned about their trees, as they should be, they are magnificent trees that need to be protected. I think the county staff has gone out of their way to craft some conditions that take that into account and in my mind have done a really good job of putting words down that will end up protecting those trees. We've heard testimony that the applicant structural engineer says no new foundation work will be required therefore no ground disturbance is expected. Of course that has to be confirmed ultimately by County Building & Safety but assuming that that carries forward there will be no ground disturbance, no root disturbance, and therefore the trees roots will be protected. I'm personally satisfied that the conditions proposed in this permit adequately address the concerns of the appellant and if it turns out that Building & Safety and maybe the structural engineer say, oh no, we do need to strengthen the foundation, then it's all going to come back and be reviewed again and the applicant and the appellant and anybody else will have the opportunity to come back here and have input in to continuing to protect those trees. I'm inclined to make a motion to follow the staff recommendation as presented to us maybe some of you all want to talk about it but that's what I'm inclined to do. So okay I will, I move the staff recommendation.

Rodriguez: I second it. Will that include the modifications the staff has just verbalize to us? That would. Any other comments or discussion by Commissioners? Commissioner Kestly.

Kestly: I just want to thank everyone that came here today and it's really great to hear passion for protecting trees and ensuring that every measure is taken. I've been in the construction industry for over 30 years and you forced me to actually go and look up what helical piers are, also what the material Simpson FX-70 is and what that process is and it was a fascinating discovery for me because it's not something I've had any experience in. So I appreciate that and I do agree that I feel that staff has adequately protected in every way, shape, or form those trees. So I will support the motion.

Rodriguez: Commissioner Aidukas, comments?

Aidukas: I've been in your shoes and it's unnerving when you discover factual errors and other errors that make you question the process. I think you've made the process

better and I thank you for that and I think it's going to be a beautiful addition and I think that's a good thing. So I am prepared to support the motion as well.

Rodriguez: Commissioner Onstot, any comments?

Onstot: Nothing for me.

Rodriguez: The only comment I would make is I concur with the motion and would support it also. I think a lot of work has gone into this thing, a lot of effort has been made and I think almost going above beyond to make sure that everything is dealt with and may be that needs to be dealt with and the modifications just proposed by staff I think further address that. I think, I appreciate the Whites' input and comments on this item and I appreciate Mr. Elliott taking the effort to do it and do it right and accept the conditions of approval. So with that I haven't no other comments. Excuse me?

Speaker 2: Could you please restate the conditions _____?

Rodriguez: If staff could restate the conditions of the revisions.

Welch: So for the revision, this is Condition No. 1 project description and it's the fourth paragraph from the bottom. Right in the legislative format, instead of saying the proposed second-story addition it will say the proposed project will not require supplemental reinforced concrete pier foundations including but not limited to. Thank you.

Rodriguez: Excuse us a moment while we catch up with the record here. Okay, we have a motion and a second, can we have a vote please? Okay, thank you very much. I'm going to take a brief five minutes and come back to the next item. Thank you.

COUNTY OF VENTURA
PUBLIC HEARING NOTICE



County of Ventura
RMA-Planning Division L #1740
800 S. Victoria Avenue
Ventura, CA 93009-1740

NOTICE OF COASTAL ZONE
PLANNING COMMISSION PUBLIC HEARING

Location: 800 S. Victoria Ave., Ventura CA 93009 County Government Center, Hall of Administration, Board of Supervisors Hearing Room.

IN RESPONSE TO THE DECLARED STATE AND LOCAL EMERGENCIES DUE TO THE NOVEL CORONAVIRUS, AND IN ACCORDANCE WITH THE CALIFORNIA GOVERNOR'S STAY AT HOME ORDER AND THE COUNTY OF VENTURA HEALTH OFFICER'S LOCAL ORDER, PUBLIC HEARINGS ARE CONDUCTED FOLLOWING SOCIAL DISTANCING PROTOCOLS AND ALTERNATIVE METHODS OF PARTICIPATION ARE AVAILABLE TO THE PUBLIC.

Date: May 5, 2022

Time: 8:30 am

Case Number: PL21-0035

Applicant: Greg and Michelle Elliot

Project Location: 8120 Puesta Del Sol, Carpinteria, CA 93013

Assessor's Parcel No.(s): 008-0-170-200

Environmental Document: Categorically Exempt pursuant to CEQA Section 15301 (Existing Facilities) and Section 15302 (Replacement or Reconstruction)

Date Application Filed: March 25, 2021

Project Description: The applicant is proposing a site plan adjustment to a Coastal Development Permit for the repair and replacement of a driveway and fence.

8017034

Resident/Occupant
8128 PUESTA DEL SOL
CARPINTERIA CA93013



US POSTAGE PAID BY ADDRESSEE
ZIP 93009 \$ 000.53⁰
02 4W
0000351815 APR 22 2022

8120 PUESTA DEL SOL



COUNTY OF VENTURA
PUBLIC HEARING NOTICE

NOTICE IS HEREBY given that a public hearing will be held, as provided by law, by the Planning Commission of Ventura County, to consider and decide on Case No. PL21-0035.

Inquiries on this item and written comments may be directed to Angela Georgeff, Case Planner, at 805-654-5097 or via e-mail to Angela.Georgeff@ventura.org. The staff report is available on the Planning Division's website at <https://vcrma.org/planning-commission> or at the Planning Division, a week before the Public Hearing.

Any person is privileged to attend, following social distancing protocols, and be heard on this matter. If you challenge the above-described action in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this Notice, or in written correspondence delivered to the County of Ventura at, or prior to, the Public Hearing. This project is appealable to the Coastal Commission; therefore, no fee will be charged for appealing the decision.

To participate in the hearing and submit e-mailed comments, the day of the hearing, please go to the following weblink on Thursday, May 5, 2022, at 8:30 a.m.: <https://vcrma.org/planning-commission>.

Video or Call in Public comments using Zoom: Register at <https://vcrma.org/planning-commission> no later than 3:30 p.m. Wednesday, the day prior to the Planning Commission hearing. Please provide your name, email, and phone number you will be calling in from. You will receive an email with the Zoom meeting link and password by 5:00 a.m. the day of the Commission hearing.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this online hearing, please call (805) 654-2478.

Note: From time to time, hearings are cancelled or rescheduled. We recommend that you contact the Case Planner to confirm the public hearing date one day prior.



By: Dave Ward, AICP, Director
Ventura County Planning Division

From: Welch, Jennifer [<mailto:Jennifer.Welch@ventura.org>]
Sent: Thursday, August 23, 2018 5:20 PM
To: Neal P. Maguire
Cc: Suphakarn, Pearl
Subject: PL17-0084

Good Afternoon Neal:

Attached are the updated conditions for Elliot. The revisions are in legislative format in the Project Description and Condition 20, Protected Monterey Cypress Tree Restrictions. Please let me know if you have any questions. Out of curiosity, have you spoken to the Whites about an agreement to withdraw the appeal? Kim mentioned you discussing that with her.

Jennifer

Jennifer M. Welch | Planning Manager
Residential Permits Section



Permit/Site Plan Adjustment Application

County of Ventura • Resource Management Agency • Planning Division
800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • <http://www.ventura.org/rma/planning>

Permit Number: PL17-00084

Applicant's Name: GMB Elliott Family, LLC.

Address: 2148 Troon Rd, Houston, Tx 77019

Phone Numbers: 713-523-4907 Home 713-341-5733 Office 713-291-2631 Cell

E-mail: gelliott@sterling-group.com

Signature(required) _____

Date

8-27-18

Company Name: N/A

Type of Use: Residential

Project Address/Location: 8120 Puesta del Sol, Carpinteria, Ca 93103

Property Owner's Name: GMB Elliott Family, LLC.

Address: 2148 Troon, Rd, Houston, Tx 77019

Phone Numbers: 713-523-4907 Home 713-341-5733 Office 713-291-2631 Cell

E-mail: gelliott@sterling-group.com

Signature (required) _____

Date

8-27-18

Agent or Engineer's Name: Scott Boydstun, Rasmussen and Associates

Address: 21 S. California St., 4th Floor

Phone Numbers: Home 805-648-1234 Office 805-320-3978 Cell

E-mail: sboydstun@RA-Arch.com

Assessor's Parcel Number(s): 008-170-200

Existing Permit No(s) to be adjusted: PL17-00084

Violation Number:

Description of request:

Amend Conditions of Approval

Have all of the original permit conditions been satisfied?

☐

Yes

☐

No

Have there been any changes in the area such that your request might adversely impact surrounding properties?

☐

Yes

☐

No

If yes, please describe (attach additional sheets as needed).

Has the property owner or lessee changed since the original approval of the permit?

YES

NO

☐☐

Have there been any subsequent modifications and, are all permitted structures in the same locations shown on the originally approved permit?

☐☐

APPLICANT:

- If your proposal involves physical changes to the site, attach copies of a site plan, floor plan and elevations (folded to no larger than 9" x 14") showing existing and proposed construction and/or uses, 4 copies of APN map (with zoning) with the site outlined in red and 1 copy of the original permit approval and conditions.
- If any plans are larger than 11" x 17", submit an 8.5" x 11" reduction of each plan.

STAFF USE ONLY

Date Received: _____ Received by: _____ Receipt Number: _____

Standard Fee: **\$500.00** (deposit)

Minor Permit Adjustment Fee **\$315.00** (nonrefundable)

Penalty Fee: \$ _____

Zone: _____ General Plan _____ Area Plan _____ Lot Size _____

Legal Lot Status _____ Previous Permits on Site _____

Environmental Health Department review ☐ Yes ☐ No

Public Works Agency, Development and Inspection Services Department review ☐ Yes ☐ No



Discretionary Project Reimbursement Agreement

County of Ventura • Resource Management Agency and Public Works Agency
800 South Victoria Avenue, Ventura, CA 93009 • <http://www.ventura.org>

Check all that apply:

- | | |
|----------------------------------------------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Site Plan Adjustment/Permit Adjustment | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Tree Permit Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Subdivision Application (PM/TT) | <input type="checkbox"/> Major/Minor Modification |
| <input type="checkbox"/> General Plan Amendment/Zone Change | <input type="checkbox"/> Land Conservation Act (LCA) Contract |
| <input type="checkbox"/> Parcel Map Waiver (LLA, Merger, LLS, LES, CS) | <input type="checkbox"/> Conditional Certificate of Compliance |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Planned Development Permit |
| <input type="checkbox"/> Change of Use | <input type="checkbox"/> Other: |

PROJECT NO. [PL17-00084]

I, Gregory Elliott, the undersigned, hereby authorize the County of Ventura to process the above referenced permit request in accordance with the Ventura County Ordinance Code. I am depositing \$ \$340.00 to pay for County staff review, coordination and processing costs related to my permit request based on actual staff time expended. **In making this deposit, I acknowledge and understand that the deposit may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates, which I understand are in the most current fee schedules of each county agency. I also understand that these costs apply even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

- Staff time from some County of Ventura departments and agencies spent processing my request will be billed against the available deposit. ***"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors, interested parties, attendance and participation at meetings and public hearings, and preparation of staff reports and other correspondence.***
- If processing costs exceed the available deposit, I will receive periodic invoices payable upon receipt.**
Please initial to show you have read and understand condition 2. GE
- If the final cost is less than the available deposit fee, the unused portion of the available deposit, including retention, will be refunded to me.
- If the final cost is more than the available deposit fee, **I agree to pay the difference according to the terms set by the County.**
- If I fail to pay any invoices within 30 days of the billing, the County may either stop processing my permit application, or after conducting a hearing, deny my permit request altogether. If I fail to pay any invoices after my application is granted, I understand that my permit is subject to revocation. Any work on any subsequent or concurrent permit applications will cease until all unpaid fees are paid in full.
- Fees are due and payable within 30 days of billing. Invoices unpaid after thirty (30) days will incur a 2% late fee, compounded monthly.

7. If an Initial Study Biological Assessment (ISBA) report is submitted as part of my application, the County of Ventura may need to refer my ISBA report to a County-contracted biological consultant for review. Should this review occur, I will pay a separate fee for the cost of the consultant review. This fee may vary depending on the size of development footprint and the complexity of the biological resources on the property. Selection of the biological consultant for this work shall be at the sole discretion of the Planning Director. This fee is not related to the above deposit fee and shall be paid within 10 days of written notice that the County has been billed by the biological consultant.
8. The County of Ventura may refer my application to the South Central Coastal Information Center (SCIC), CSU Fullerton, to determine whether an Initial Study (Environmental Analysis) addressing cultural resources will need to be conducted by a cultural resources consultant. Should this referral occur, I will pay a separate flat fee at the currently established rate (not to exceed \$100.00). If further study by a cultural resources consultant is required, I will be responsible for any additional costs above the established fee, and I must select the consultant from among those approved by the County of Ventura. All fees shall be paid within 10 days of written notice that the County has been billed by the SCIC or by the cultural resources consultant.
9. I agree to pay the County of Ventura the cost of placing a legal advertisement (if one is required) in a newspaper of general circulation as required by state law and local ordinance.
10. Upon project approval, if any, I agree to pay the established County Clerk Recorder Environmental Document filing fees.
11. I may, in writing, request a further breakdown or itemization of invoices, but such a request is independent of the payment obligation and time frames.
12. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement.
13. FISH AND WILDLIFE REVIEW FEES for discretionary permits and legislative amendments: I further understand that the County, or the State Office of Planning and Research, may refer my application and/or any applicable environmental document for my project to the California Department of Fish and Wildlife for review and comment in accordance with the provisions of the California Environmental Quality Act. Should this referral occur, I understand that I must pay all fees as required by Section 711.4 of the Fish and Wildlife Code (\$2,210.00 for Negative Declarations/Mitigated Negative Declarations or \$3,069.75 for Environmental Impact Reports, plus any County Clerk fees as of January 1, 2015). Should these fees be required, I agree to remit a cashier's check or money order in the required amount, payable to the Ventura County Clerk, to the Planning Division prior to any legal notifications regarding public hearings before the decision making body on my application.

Name of Property Owner or Corporate Principal (please print):

GMB Elliott Family, LLC

Driver's License Number: TOL#10729632

Phone Number: 713 341 5733

Name of Company or Corporation (if applicable):

N/A

Mailing Address of the Property Owner or Corporation/Company:

If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation

2148 Troon Rd Houston, TX 77019

Signature:*

Date:

8-27-18

***ATTENTION** — The property owner (or Corporate principal) will be held responsible for all charges.

SETTLEMENT AGREEMENT

A. This Settlement Agreement is made by GMB Elliott Family, LLC ("Elliott") and Jaleh Keyhan White and Douglas M. White (together, "White").

B. Elliott is pursuing a Coastal Planned Development Permit with the County of Ventura (the "Project") for its property located at 8120 Puesta Del Sol, Ventura, California. White appealed the Planning Director's approval of the Project to the County Planning Commission.

C. The parties have agreed to pursue revisions to the Project's description and conditions of approval to address the White's concerns regarding the Project, which revisions are set forth in Exhibit A.

TERMS

1. Elliott shall submit a Permit/Site Plan Adjustment Application ("Application") to the County to request the revisions set forth in Exhibit A.

2. If the County approves the Application, White shall inform Elliott and the County's Planning Director and Residential Permit Manager, via email and within two business days, that White withdraws its appeal of the Project effective immediately.

3. White will not pursue, in any forum, any further objection or appeal regarding the approval of the Project. Nothing in this agreement shall be interpreted as waiving White's remedies to ensure that Elliott complies with the Project's conditions of approval.

4. This Settlement Agreement shall be binding on all successors, assigns, representatives, affiliates, and agents.

GMB ELLIOTT FAMILY, LLC

Jaleh Keyhan White

DATE

Greg Elliott, Manager

DATE

Douglas M. White

DATE