

RESOLUTION NO. 23-010

**VENTURA COUNTY BOARD OF SUPERVISORS RESOLUTION
APPROVING SITE PLAN ADJUSTMENT (CASE NO. PL21-0035) TO COASTAL
PLANNED DEVELOPMENT PERMIT (CASE NO. PL17-0084), AND DENYING
RELATED APPEAL (APPEAL NO. AP22-0014), REGARDING PROPERTY LOCATED
AT 8120 PUESTA DEL SOL IN UNINCORPORATED VENTURA COUNTY**

RECITALS

1. The subject property known as the Elliot residence is located at 8120 Puesta Del Sol, in the unincorporated community of Rincon Point, in the unincorporated area of Ventura County.
2. In 1959, prior to the certification of the California Coastal Act (1977) and the Ventura County Local Coastal Program (1984), the existing single-family dwelling (1,930 square feet (sq. ft.)) was constructed.
3. In 2018, the Planning Director approved a Coastal Planned Development (PD) Permit (Case No. PL17-0084) to construct a second story addition (525 sq. ft.);
4. On April 6, 2018, Doug and Jaleh White ("appellant") filed a timely appeal of the Planning Director's decision to approve the project.
5. On December 13, 2018, the Ventura County Planning Commission denied the appeal and approved Coastal PD Permit (Case No. PL17-0084).

Site Plan Adjustment (Case No. PL21-0035)

6. On August 18, 2021, the Planning Director approved Greg and Michelle Elliot ("applicant") request for a Site Plan Adjustment (Case No. PL21-0035) to repair and maintain an existing driveway and fence at the subject property.
7. On August 27, 2021, the appellant filed a timely appeal of the Planning Director's decision to approve the proposed Site Plan Adjustment to the Coastal PD Permit.

Appeal to the Ventura County Planning Commission

8. On May 5, 2022, a de novo Planning Commission public hearing was conducted regarding the appeal of the Planning Director's approval of the Site Plan Adjustment (Case No. PL21-0035).
9. After closing the public hearing and deliberating, the Planning Commission voted (4-0, Commissioner Boydston abstained) and upheld the Planning Director's approval of the Site Plan Adjustment and denied the appellant related appeal (Resolution R-22-16).

10. On May 12, 2022, the appellant filed a timely appeal of the Planning Commission's decision to approve the Site Plan Adjustment (Case No. PL21-0035).

Appeal to the Ventura County Board of Supervisors ("Board")

11. On January 19, 2023, the Board conducted a de novo hearing regarding the subject appeal (Case No. PL21-0035). In conjunction with this hearing, the Board reviewed and considered the Board letter and all exhibits thereto, and considered all evidence, comments and testimony received during the public hearing process.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

NOW THEREFORE, the Board hereby adopts the following findings of fact and conclusions of law:

12. All statements of fact set forth in the **RECITALS** section above are incorporated herein by this reference;
13. Coastal Zoning Ordinance section 8181-10.4.2.a sets forth the requirements that must be met in order for a Site Plan Adjustment to be approved by the County. It provides, in relevant part, that the following requirements must be met:
 - (a) That the requested project would not alter any of the findings made pursuant to Section 8181-3.5, nor any findings of approval for the permit or any findings contained in the environmental document prepared for the project;
 - (b) That the requested project would not have any adverse impact on the subject site or surrounding properties;
 - (c) That the requested project would not circumvent the purpose or lessen the effectiveness of the approved permit conditions; and
 - (d) That the requested project is consistent with all other provisions of the LCP.
14. The Board hereby finds that the proposed project – the repair and maintenance of an existing driveway and fence – meets the above requirements of section 8181-10.4.2.a of the Coastal Zoning Ordinance.
15. The Board further finds that the proposed project qualifies under the following categories of projects listed under section 8181-10.4.2.a of the Coastal Zoning Ordinance which qualify for a SJAP:
 - (a) Changes to conditions of approval that do not circumvent the purpose or lessen the effectiveness of the approved permit conditions [Ventura County CZO Section 81 81 -1 0.4.2.a(1)]

- (b) Changes in structure location, including reorientation of structures, provided the structures are situated within the same general footprint as in the approved permit [Ventura County CZO Section 81 81 -1 0.4.2.a(4)].
- (c) A cumulative increase not exceeding ten percent of the approved area of walls, fences, or similar structures, provided the development continues to meet minimum screening requirements, and that the increase does not negatively affect the ability of the public to access coastal waters or nearby inland recreation areas [Ventura County CZO Section 8181-10.4.2.a(9)].

**BOARD ACTIONS AND ADDITIONAL FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

NOW THEREFORE, the Board hereby takes the following actions and adopts the additional findings of fact and conclusions of law:

16. **DETERMINES** that this project is exempt from the California Environmental Quality Act (CEQA) pursuant to sections 15301 (Existing Facilities) and 15302 (Replacement and Reconstruction) (Cal. Code Regs., title 14, § 15000 et seq.), and that none of the exceptions set forth in section 15300.2 of the CEQA Guidelines apply to the project.
17. **ADOPTS** all findings of fact and conclusions of law as set forth above.
18. Based on the findings of fact and conclusions of law set forth above, and the entirety of evidence in the record, **APPROVES** the applicant's Site Plan Adjustment, Case No. PL21-0035, **DENIES** the appellant's related Appeal No. PL21-0035, and **DECLINES** to refund any administrative appeal fees to the appellant.

Upon motion of Supervisor LaVere, seconded by Supervisor Gorell, and duly carried, the Board of Supervisors hereby adopts this resolution on this 24th day of January, 2023.

By: Matt LaVere
Chair, Board of Supervisors
County of Ventura

ATTEST: DR. SEVET JOHNSON
Clerk of the Board of Supervisors
County of Ventura, State of California

By: Don Key
Deputy Clerk of the Board

