

## **CODE ENFORCEMENT FOR REMOVAL OF STRUCTURES ON COUNTY BEACHES**

### **INTRODUCTION**

A citizen's complaint alerted the Grand Jury that a home owner had built a wood deck on county beach property adjacent to his home.

### **INQUIRY**

We met with department heads, the Planning Director and other personnel of the Resource Management Agency (RMA), the Harbor Department Director and an official of the California Coastal Commission to focus on the validity of the complaint and to determine a course of action.

### **FINDINGS**

In 1995 a zone enforcement officer of the RMA investigated and found the deck to be in violation of the zoning codes. A Notice of Violation (NOV) was issued which then became a cloud on the property. The property owners were formally advised of the NOV. As of this date, no action has been taken by the owners to correct the violation.

When the property owners did not respond to the NOV, the Director of the Planning Division contacted managers of the Harbor Department and General Services Agency (GSA) advising them that their agency was responsible for zoning violations that occur on the beach. The Planning Division exhausted its administrative remedies by recording the NOV. This Notice of Non Compliance clouds the title on the property until the violation is abated and outstanding fees are paid to the Planning Division.

The California Coastal Commission can grant coastal development permits for all development within the coastal zone which are not governed by a Local Coastal Program (LCP). When a local government such as Ventura County and its beach cities obtains a certified LCP, the Coastal Commission transfers the original jurisdiction to the local government. Consequently, the Commission retains appellate jurisdiction on all actions within the coastal zone. The local government develops its own procedures for issuing Coastal Development Permits and taking enforcement action. There are areas governed by the LCP and Ventura County is so designated.

The Harbor Department Director was made aware of the situation regarding the deck through correspondence from the Planning Director and meetings with members of the Grand Jury. The director acknowledged the situation but stated they could not locate Hollywood Beach on their asset list. They could not proceed to enforce any action until this

asset is assigned to a specific department. For this reason no action could be taken to enforce the zoning violation.

### **CONCLUSION**

RMA procedures are currently in place for code inspections, enforcement, documentation of violations and the imposition of penalties, fines and liens. There also exists a means to identify the violators and advise them of the action taken. Along with the above there exists a formal appeals procedure to the planning department.

Code violations on beaches and properties abutting the beach are not enforced due to confusion over which department in the county has jurisdiction.

### **RECOMMENDATION**

- The Board of Supervisors should assign the beaches which it controls to a specific county department to add to its asset list.
- That an audit be made to identify these assets and assign jurisdictional responsibility.

### **RESPONSE REQUIRED**

Ventura County Board of Supervisors  
Resource Management Agency