



Planning Director Staff Report Hearing on February 22, 2024

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2478 • www.vcrma.org/divisions/planning

EBERHARD EQUIPMENT CONDITIONAL USE PERMIT (CUP) CASE NO. PL23-0133

A. PROJECT INFORMATION

1. **Request:** Eberhard Equipment requests a Conditional Use Permit (CUP) to engage in the rental, leasing, and sale of equipment and durable goods for a 15-year period.
2. **Applicant:** Eberhard Equipment No. 3, Inc., DBA Eberhard Equipment, C/O Steve Eberhard, 167 Lambert Street, Unit C, Oxnard, CA 93036
3. **Applicant's Representative:** Jensen Design & Survey, Inc., C/O Erik Nagy, 1672 Donlon Street, Ventura, CA 93003
4. **Property Owner:** Amiron Holdings, LLC, 167 Lambert Street, Unit B, Oxnard, CA 93036
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) Section 8105-5, the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 2.35-acre project site is located at 167 Lambert Street, in the community of El Rio/Del Norte, in the unincorporated area of Ventura County, near Oxnard. The Tax Assessor's parcel number for the parcel that constitutes the project site is 133-0-071-105 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Industrial
 - b. El Rio/Del Norte Area Plan Land Use Map Designation: Industrial
 - c. Zoning Designation: M2-10,000 sq. ft. (Limited Industrial, 10,000 sq. ft. minimum lot size)
 - d. The project is located within the General Plan El Rio/Del Norte Designated Disadvantaged Community.

8. Adjacent Zoning and Land Uses/Development (Exhibit 2):

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	M2	Industrial Development
East	AE-40 ac/MRP (Agricultural Exclusive, 40-acre minimum lot size, Mineral Resources Protection Overlay)	State Route 232 (Vineyard Avenue), Agriculture
South	M2	Industrial Development
West	M2	Industrial Development

9. History: On March 21, 1984, the Planning Division approved Planned Development Permit (PD) 996 authorizing the construction and use of a multi-tenant industrial building. A variety of industrial and office tenants have occupied the building since the completion of construction. The following industrial tenants currently occupy the multi-tenant industrial building:

Tenant	Use	Suite	Square Feet (SF)	Permit Authorizing Tenancy
Diener's Electric	Electrician's office and equipment warehousing	A	9,428	ZC11-0137
Amiron Machinery	Machinery repair, sales, and warehousing	B	13,860	ZC24-0003
Eberhard Equipment	Heavy equipment repair and accessory sales of component parts	C	11,545	ZC23-0600

As described below, the proposed project involves Suite C. On May 17, 1990, the Planning Commission approved CUP 4600 authorizing the reconfiguration and use of Suite C as commercial office space. The Planning Director approved modifications to CUP 4600 to allow for continued use of Suite C as commercial office space in 2000 (Modification 1), 2010 (LU10-0073), and 2020 (PL20-0111). On December 15, 2023, the Property Owner discontinued the uses authorized under CUP PL20-0111. Eberhard Equipment, an industrial tenant, currently occupies Suite C and is applying for CUP PL23-0133.

10. Project Description: Eberhard Equipment requests a CUP to engage in the rental, leasing, and sale of equipment and durable goods for a 15-year period. Existing accessory uses that would continue onsite include the repair of heavy equipment and sale of component parts originally authorized by Zoning Clearance ZC23-0600. Eberhard Equipment operates out of Suite C (11,545 sf) in the existing multi-tenant industrial building. Forty-five of the ninety-one existing parking spaces at the multi-tenant industrial building are dedicated to the proposed project. Twenty-three parking spaces are provided for the proposed use for parking (1 space per 500 sq. ft. of GFA). Twenty-two parking spaces will be converted into

an outdoor sales and display area for heavy machinery, incidental to the primary operations conducted in Suite C. The remaining forty-six parking spaces are available for the remaining tenants of the multi-tenant industrial building (1 space per 500 sq. ft. of GFA). There are no proposed physical changes to Suite C, and no proposed physical changes or permanent structures to create the outdoor sales and display area. Outside storage in the outdoor sales and display area is strictly prohibited. The remainder of the existing multi-tenant industrial building will be operated and maintained in accordance with the terms of PD 996.

The hours of operation will be limited to Monday through Friday from 7:00am to 5:00pm and the business employs 15 staff. The Vineyard Avenue Mutual Water Company provides water and the County of Ventura Sanitation District Area 34 provides sewer. A paved driveway from Lambert Street provides access to the site (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project would allow an existing business to engage in the rental, sale, and leasing of durable goods, a negligible expansion of an existing use. Therefore, the proposed project qualifies for a Class 1 and Class 3 Categorical Exemption pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

C. CONSISTENCY WITH THE GENERAL PLAN / EI RIO/DEL NORTE AREA PLAN

The proposed project has been analyzed and determined to be consistent with all applicable General Plan and El Rio/Del Norte Area Plan policies. A consistency analysis which evaluates the project's consistency with the policies of the General Plan is included as Exhibit 5 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the Ventura County NCZO Section 8105-5, the proposed use is allowed in the M2 zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The proposed project includes the use of structures that are subject to the development standards of the Ventura County NCZO. Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 1 – Development Standards Consistency Analysis

Sec. 8106-1.2 – Development Standards for Uses and Structures in Commercial, Industrial, and Special Purpose Zones		
Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	10,000 sq. ft	Yes. The lot is 102,366 sf.
Maximum Percentage of Building Lot Coverage	50%	Yes. Building Lot Coverage is 30%.
Setbacks: From Street	5 ft on corner lots; otherwise as specified by permit	Yes. The existing industrial building is setback approximately 50 feet from Lambert Street and 90 feet from Vineyard Avenue. The outdoor sales and display area will be located in the existing parking spaces which are setback approximately 15 feet from Lambert Street and Vineyard Avenue.
Setbacks: Each Interior Yard	5 ft if adjacent to an R-Zone; otherwise as specified by permit	Yes. The properties to the north, south, and west are zoned M2. The existing industrial building is setback 0-feet from the southern property line and 40-feet from the western property line. The northern property line is adjacent to Lambert Street and subject to the setback from street requirements detailed above.
Maximum Structure Height	Principal Structure: 30 ft Accessory Structure: As specified by permit.	Yes. The primary structure is less than 30 feet in height. There are no existing or proposed accessory structures on the project site.
Other NCZO Sections		
NZCO Section	Zoning Ordinance Requirement	Complies?
Sec. 8109-0.6.4.d Landscaping for M-Zones	At least five percent of any permit area in the M2 or M3 zone shall be landscaped.	Yes. The existing landscape area totals 16,276 sf, 16% of the permit area.
Sec. 8110-5.1 Sign Standards	Miscellaneous standards related to signage	Yes. The project is conditioned to comply with the sign standards set forth in Sec. 8110-5.1 and El Rio/Del Norte Area Plan Policy ED-34.1 (Exhibit 4, Condition No. 19).

Table 1 – Development Standards Consistency Analysis

<p>Sec. 8108-4.7 Parking Space Requirements by Land Use (Industrial Land Uses Not Listed)</p>	<p>Motor Vehicle Spaces Required: 1 space per 500 sq. ft. of GFA.</p> <p>Bicycle Spaces Required: Long-term spaces: 1 per 25 employees</p>	<p>Yes.</p> <p>Motor Vehicle Spaces: The 34,312 sq. ft. multi-tenant industrial building has 91 existing parking spaces. 23 parking spaces are required for the proposed use for parking (1 space per 500 sq. ft. of GFA). An additional 22 parking spaces are being converted into an outdoor sales and display area. A total of 45 parking spaces are dedicated to the proposed project. The remaining 46 parking spaces for the multi-tenant industrial building are available for the remaining tenants (1 space per 500 sq. ft. of GFA).</p> <p>Bicycle Spaces: Yes. Eberhard Equipment employs 15 staff, and no bike parking is required.</p>
<p>Sec. 8109-3.1.3 Industrial Performance Standards</p>	<p>Industrial performance standards are the permitted levels of operational characteristics resulting from processes or other uses of property. Continuous compliance with the following performance standards shall be required of all uses, except as otherwise provided for in these regulations:</p> <p>a. Objectionable Factors - The following shall be maintained at levels which are appropriate for the zone and geographic area and are not objectionable at the point of measurement when the use is in normal operation:</p> <ol style="list-style-type: none"> 1. Smoke, odors, vapors, gases, acids, fumes, dust, dirt, fly ash or other forms of air pollution; 2. Noise, vibration, pulsations or similar phenomena; 3. Glare or heat; 4. Radioactivity or electrical disturbance. 	<p>Yes.</p> <p>a. The proposed operations occur primarily indoors. This will ensure that objectionable factors related to air pollution, noise, vibration, pulsations, or similar phenomena are at levels appropriate for the industrial zone. Outdoor operations are limited to the use of an outdoor sales and display area for heavy machinery. The heavy machinery does not include reflective paint or materials and therefore, will not generate objectionable glare or heat. Finally, the proposed project will not generate electrical disturbances nor involve the use of radioactive materials.</p> <p>b. The proposed project is conditioned by the Ventura County Environmental Health Division to ensure that hazardous materials are handled pursuant to state and local regulations (Exhibit 4, Condition No. 23).</p>

Table 1 – Development Standards Consistency Analysis

	<p>The point of measurement for these factors shall be at the lot or ownership line surrounding the use.</p> <p>b. Hazardous Materials - Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local and national safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment in compliance with Ventura County Fire Prevention Regulations. The burning of waste materials in open fires without written approval of the Fire Department is prohibited.</p> <p>c. Liquid and Solid Wastes - Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment. The disposal or dumping of solid wastes, such as slag, paper and fiber wastes, or other industrial wastes shall not be permitted on any premises.</p>	<p>c. County of Ventura Sanitation District Area 34 provides sewer service for the project. Additionally, the proposed project does not involve the discharge of contaminants that are expected to contaminate any watercourse or groundwater supply.</p>
<p>Sec. 8109-3 Standards for Industrial Zones</p>	<p>Sec. 8109-3.2.2: Predominant activities and operations shall be enclosed within buildings, except as otherwise provided in this Chapter. The Planning</p>	<p>Sec. 8109-3.2.2: Yes. The predominant activities and operations for the proposed project will occur within Suite C of an existing multi-tenant industrial</p>

Table 1 – Development Standards Consistency Analysis

	Director is authorized to determine the reasonable application of this provision in cases of operation hardship or other showing of special circumstances.	building. The outdoor sales and display area for heavy equipment is accessory to the primary operation.
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E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings to approve a CUP pursuant to Section 8111-1.2.1.1.a of the Ventura County NCZO. The ability to make the required findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1a.a].**

Based on the information and analysis presented in Exhibit 5 and Section D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan, El Rio/Del Norte Area Plan, and Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

- 2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1a.b].**

The project site is located in an area surrounded by industrial development. The proposed project, the operation of a business engaged in the rental, leasing, and sales of durable goods, is compatible with surrounding industrial businesses.

Based on the discussion above, this finding can be made.

- 3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8111-1.2.1.1a.c].**

The project site is located in an industrial zone and surrounded by industrial businesses of similar kind and intensity. Physical changes are limited to a minor alteration of the existing parking area to accommodate the display of heavy machinery for rent, lease, or sale. Finally, the project is conditioned to alleviate potential impacts on surrounding properties. These conditions include restrictions on the hours of operation (Exhibit 4, Condition No. 2) and identifying a contact person for the timely resolution of complaints (Exhibit 4, Condition No. 15).

Based on the discussion above, this finding can be made.

4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1a.d].

No adverse effects on public interest, health, safety, convenience, or welfare were identified with the proposed project. However, the proposed project is conditioned to require the Permittee to identify a contact person for the timely resolution of complaints and the reporting of all major hazardous incidents (Exhibit 4, Condition Nos. 15 and 17).

Based on the discussion above, this finding can be made.

5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1a.e].

The project site is zoned M2 (limited industrial) and designated as industrial by the General Plan and El Rio/Del Norte Area Plan. The proposed use is compatible with the existing and planned industrial development in the area.

Based on the discussion above, this finding can be made.

6. The proposed development will occur on a legal lot [Section 8111-1.2.1.1a.f].

The 2.35-acre site is comprised of 2 legal lots, Parcel 1 and Parcel 2 of Tract 2843 as recorded on 91 MR 29.

Based on the discussion above, this finding can be made.

7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws [Section 8111-1.2.1.1a.g].

As discussed in Section B above, the proposed project qualifies for a Class 1 and Class 3 Categorical Exemption pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.

Based on the discussion above, this finding can be made.

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code Section 65091 and Ventura County NCZO Section 8111-3.1. On February 9, 2024, the Planning Division mailed notice to owners of property within 500 feet of the property on which the

project site is located. The project is located within the General Plan El Rio/Del Norte Designated Disadvantaged Community therefore, Spanish language postcards providing notice of the Planning Director hearing were also sent to property owners. These postcards included contact information for Planning Division Spanish-speaking staff who can provide information on the project or instructions on how to participate in the Planning Director hearing, including the option to request interpretive services for the hearing. On February 9, 2024, the Planning Division placed a legal ad in the *Ventura County Star*.

On January 18, 2024, the El Rio/Del Norte Municipal Advisory Council (MAC) considered the proposed project at the El Rio/Del Norte MAC meeting. The El Rio/Del Norte MAC voted 7-0 recommending approval of the project with no changes. Chair Mike Barber was not in attendance at the meeting.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process.
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 (Existing Facilities) and 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines.
3. **MAKE** the required findings to approve a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record.
4. **Approve** the application for a CUP (Case No. PL23-0133), subject to the conditions of approval (Exhibit 4).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact AJ Bernhardt at (805) 654-3136 or AJ.Bernhardt@ventura.org.

Prepared by:

AJ Bernhardt

AJ Bernhardt, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

Reviewed by:

Susan Curtis

Susan Curtis, Assistant Director
Ventura County Planning Division

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Plans
- Exhibit 4 Conditions of Approval
- Exhibit 5 General Plan and El Rio/Del Norte Area Plan Consistency Analysis



Exhibit 2

Legend

PL23-0133

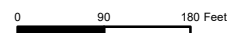
- APN: 133-0-071-0105
- Agricultural Exclusive
- General Plan
- Areal Plans
- Zone Designation



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 12-27-2023
This aerial imagery is under the
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Source: Pictometry, 2019



County of Ventura
Planning Director Hearing
Case No. PL23-0133
Exhibit 2 - Maps



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



RH



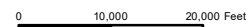
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Exhibit 2

**County of Ventura
 Planning Director Hearing
 APN: 133-0-071-105
 PL23-0133
 Location Map**



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 12-28-2023



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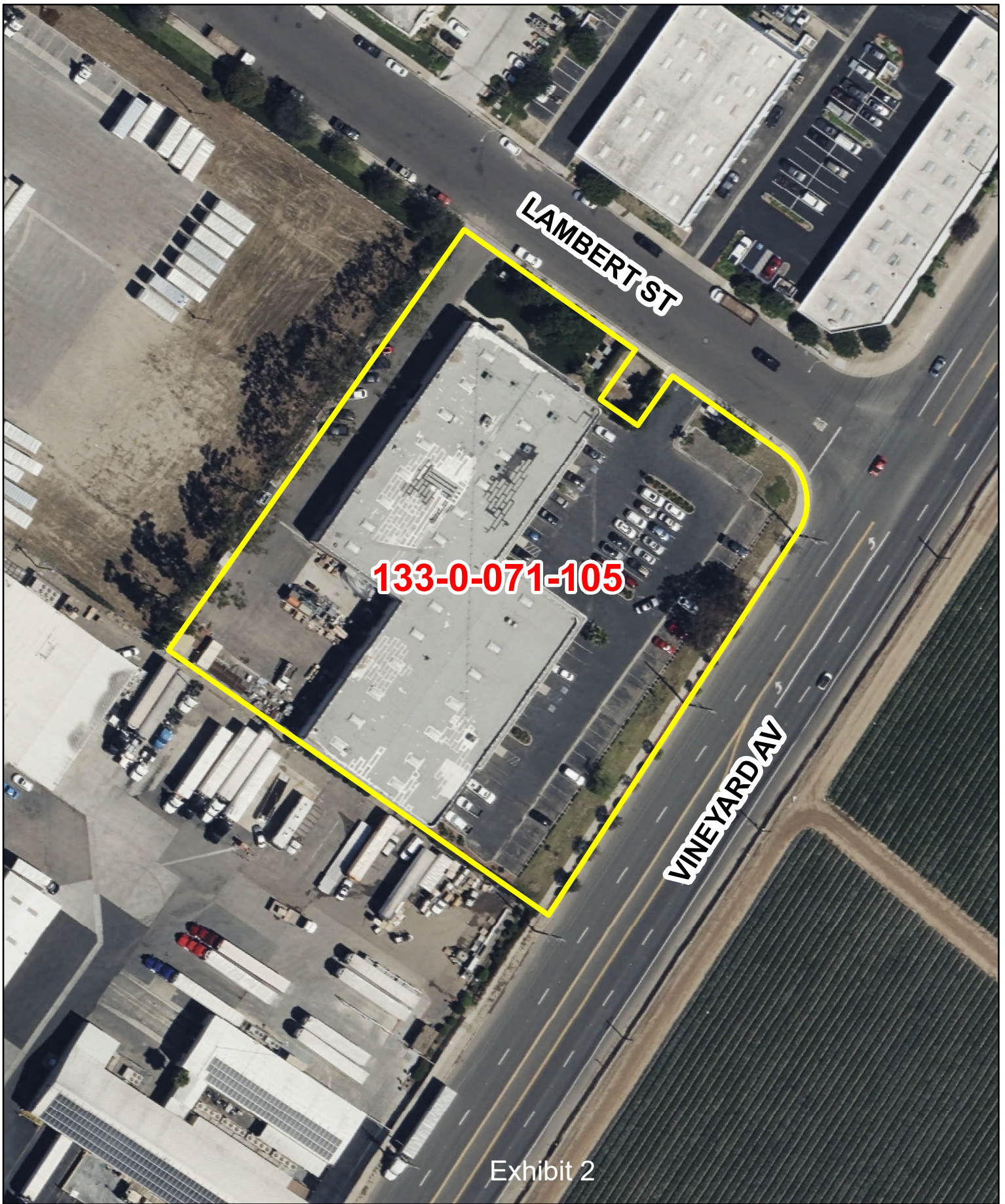


Exhibit 2



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 12-28-2023
Source: Vexcel 2022

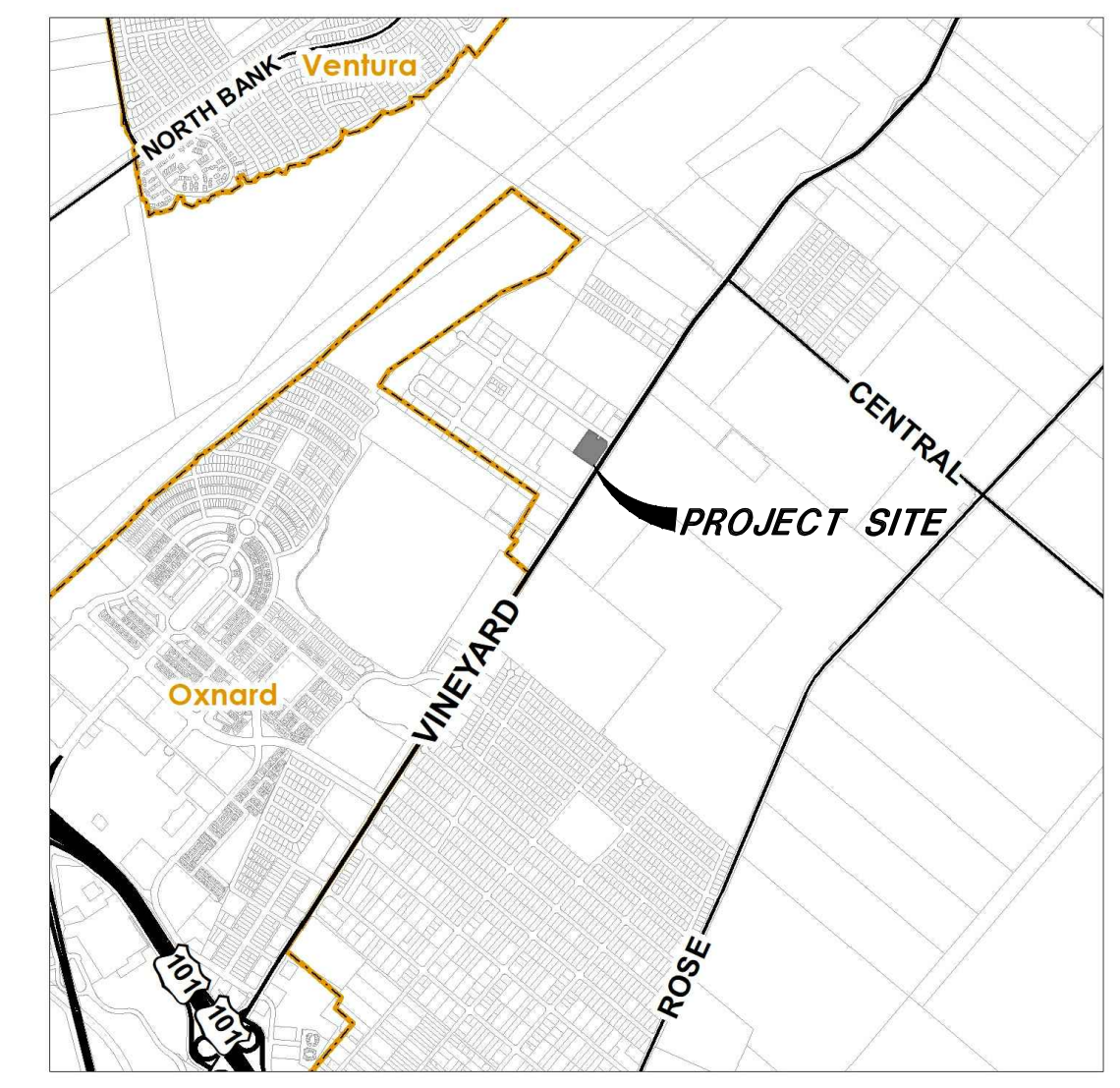
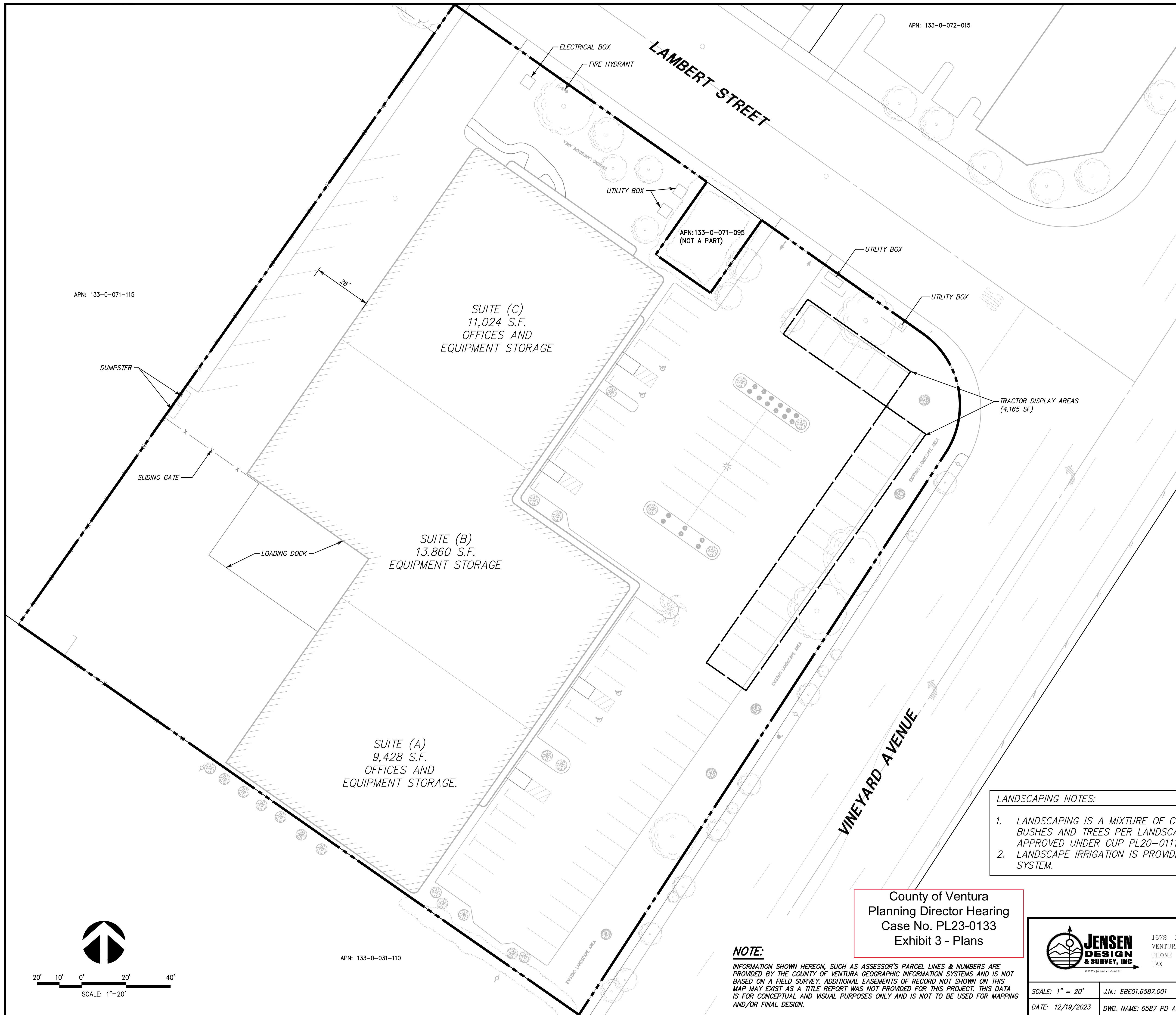


County of Ventura
Planning director Hearing
APN: 133-0-071-105
PL23-0133
Aerial Photography



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VICINITY MAP
NOT TO SCALE

LAND USE DATA	
PD-996 MODIFICATION	
PROPERTY OWNER:	AMIR GREENBAUM 167 LAMBERT STREET, UNIT B OXNARD, CA 93036
APPLICANT:	STEVE EBERHARD EBERHARD EQUIPMENT NO. 3, INC. DBA EBERHARD EQUIPMENT 167 LAMBERT STREET OXNARD, CA 93036
PROP. ADDRESS:	167 LAMBERT STREET OXNARD, CA 93036
APN:	133-0-071-105
LOT AREA:	2.35 AC 102,366 S.F.
MAX LOT COVERAGE:	51,183 S.F. (50%)
EXIST. LOT COVERAGE:	34,312 S.F. (30%)
LANDSCAPE AREA:	16,276 S.F. (16%)
GENERAL PLAN:	INDUSTRIAL (EL RIO/DEL NORTE AREA PLAN)
ZONING:	M-2
EX. STRUCTURE:	34,312 S.F.
PARKING:	
EXISTING:	91
PROPOSED:	69 (65 STANDARD 4 ADA)
TRACTOR DISPLAY AREA: 22 SPACES (4,165 SF)	

- LANDSCAPING NOTES:
1. LANDSCAPING IS A MIXTURE OF CUT GRASS, BUSHES AND TREES PER LANDSCAPE PLAN APPROVED UNDER CUP PL20-0111
 2. LANDSCAPE IRRIGATION IS PROVIDED VIA DRIP SYSTEM.

LEGEND:

	LOT LINE
	PROPOSED DISPLAY AREA
	FENCE
	CENTERLINE
	EDGE OF PAVEMENT
	UTILITY POLE
	POLE LIGHT
	FIRE HYDRANT

County of Ventura
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Case No. PL23-0133
Exhibit 3 - Plans

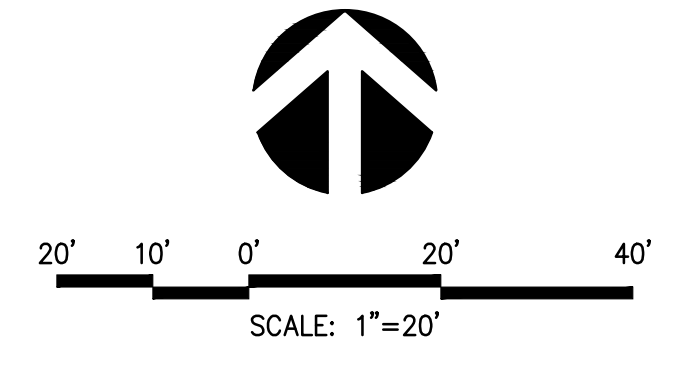
NOTE:
INFORMATION SHOWN HEREON, SUCH AS ASSESSOR'S PARCEL LINES & NUMBERS ARE PROVIDED BY THE COUNTY OF VENTURA GEOGRAPHIC INFORMATION SYSTEMS AND IS NOT BASED ON A FIELD SURVEY. ADDITIONAL EASEMENTS OF RECORD NOT SHOWN ON THIS MAP MAY EXIST AS A TITLE REPORT WAS NOT PROVIDED FOR THIS PROJECT. THIS DATA IS FOR CONCEPTUAL AND VISUAL PURPOSES ONLY AND IS NOT TO BE USED FOR MAPPING AND/OR FINAL DESIGN.

JENSEN DESIGN & SURVEY, INC.
1672 DONLON STREET
VENTURA, CALIF. 93003
PHONE 805/654-6977
FAX 805/654-6979
www.jdsurvey.com

SCALE: 1" = 20'
DATE: 12/19/2023
J.N.: EBE01.6587.001
DWG. NAME: 6587 PD ALTERATION.dwg

PD-996 MODIFICATION
FOR
EBERHARD EQUIPMENT
167 LAMBERT STREET
OXNARD, CA 93036
COUNTY OF VENTURA STATE OF CALIFORNIA

SHEET
1
OF 1



APN: 133-0-031-110

APN: 133-0-072-015

APN: 133-0-071-115

J:\EE\6587\Planning\Site Plan\6587 PD ALTERATION.dwg Dec 19, 2023, 4:30pm mmerman

SIGN SCHEDULE

- A** W-3X20-P INT. ILLUM. WALL SIGN 36.00 SQ. FT.
- B** M-5 INT. ILLUM. MONUMENT SIGN 36.15 SQ. FT.

GENERAL NOTES

WARRANTY NOTICE

APPROVED
COUNTY OF VENTURA
REVIEWED BY THE PLANNING DIVISION
November 22, 2023

FEDERAL HEALTH VISUAL COMMUNICATIONS
2300 North Highway 121, Oxnard, CA 93030
811-680-9877 (800) 527-9495 Fax (811) 680-9143

John Brown
Project Manager
Michelle Cortin
Client Approval/Owner
Gema Bourbanals
167 Lambert St, Oxnard, CA 93036

23-83802-10
September 6, 2023

23-83802-10 R1

SHEET 1 (SITE VIEW)
NOT TO SCALE

APPROVED
COUNTY OF VENTURA
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23-83802-10 R1

SHEET 2 (INTERNALLY ILLUMINATED WALL SIGN)
NOT TO SCALE

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COUNTY OF VENTURA
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FEDERAL HEALTH VISUAL COMMUNICATIONS
2300 North Highway 121, Oxnard, CA 93030
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23-83802-10
September 6, 2023

23-83802-10 R1

SHEET 3 (INTERNALLY ILLUMINATED MONUMENT SIGN)
NOT TO SCALE

RMA GIS

Legend

- Zone Designation
- Parcels
- City Boundary
- Camallo
- Filmore
- Moorpark
- Ojai
- Oxnard
- Port Hueneme
- San Buenaventura
- Santa Paula
- Simi Valley
- Thousand Oaks

APPROVED
COUNTY OF VENTURA
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November 22, 2023

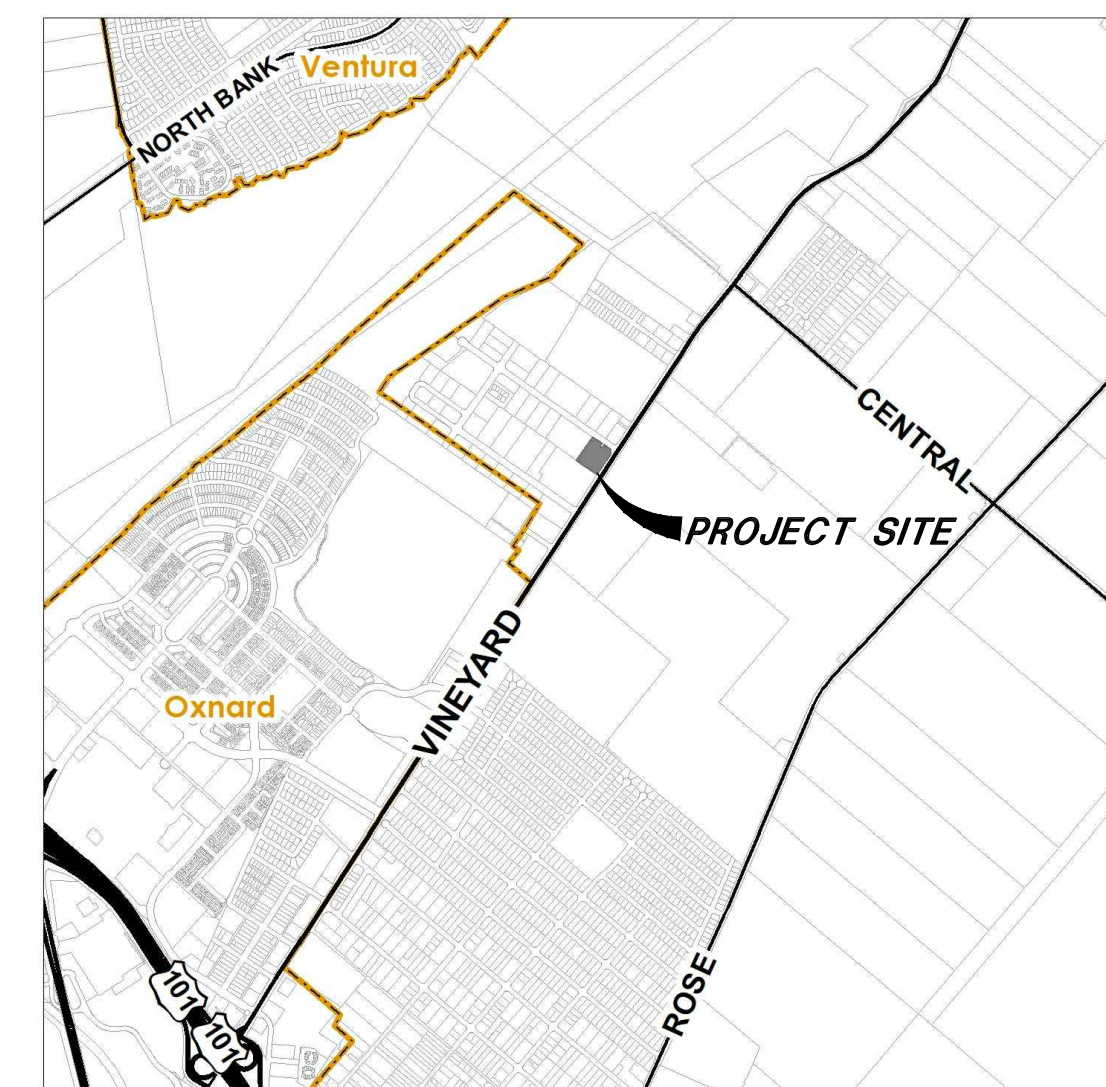
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23-83802-10
September 6, 2023

23-83802-10 R1

SHEET 4
NOT TO SCALE



LAND USE DATA

PD-996 MODIFICATION

PROPERTY OWNER: AMIR GREENBAUM
167 LAMBERT STREET, UNIT B
OXNARD, CA 93036

APPLICANT: STEVE EBERHARD
EBERHARD EQUIPMENT NO. 3, INC. DBA
EBERHARD EQUIPMENT
167 LAMBERT STREET
OXNARD, CA 93036

PROP. ADDRESS: 167 LAMBERT STREET
OXNARD, CA 93036

APN: 133-0-071-105

LOT AREA: 2.35 AC | 102,366 S.F.

MAX LOT COVERAGE: 51,183 S.F. (50%)

EXIST. LOT COVERAGE: 34,312 S.F. (30%)

LANDSCAPE AREA: 16,276 S.F. (16%)

GENERAL PLAN: INDUSTRIAL (EL RIO/DEL NORTE AREA PLAN)

ZONING: M-2

EX. STRUCTURE: 34,312 S.F.

PARKING:

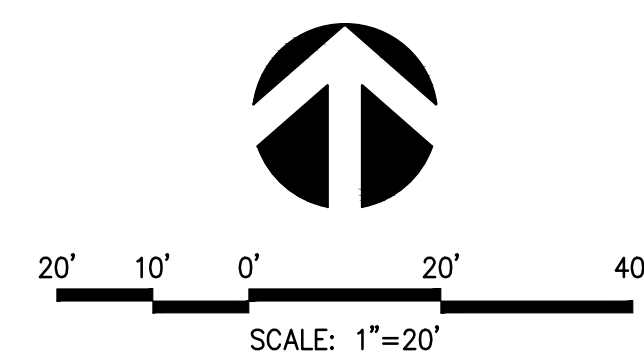
EXISTING: 91
PROPOSED: 69 (65 STANDARD | 4 ADA)

TRACTOR DISPLAY AREA: 22 SPACES (4,165 SF)

Exhibit 3

 JENSEN DESIGN & SURVEY, INC. www.jdsccal.com 1672 DONLON STREET VENTURA, CALIF. 93003 PHONE 805/654-6977 FAX 805/654-6979	SIGN PLAN FOR EBERHARD EQUIPMENT	SHEET 1 OF 1
	SCALE: 1" = 20' DATE: 12/19/2023	
COUNTY OF VENTURA STATE OF CALIFORNIA		

NOTE:
INFORMATION SHOWN HEREON, SUCH AS ASSESSOR'S PARCEL LINES & NUMBERS ARE PROVIDED BY THE COUNTY OF VENTURA GEOGRAPHIC INFORMATION SYSTEMS AND IS NOT BASED ON A FIELD SURVEY. ADDITIONAL EASEMENTS OF RECORD NOT SHOWN ON THIS MAP MAY EXIST AS A TITLE REPORT WAS NOT PROVIDED FOR THIS PROJECT. THIS DATA IS FOR CONCEPTUAL AND VISUAL PURPOSES ONLY AND IS NOT TO BE USED FOR MAPPING AND/OR FINAL DESIGN.



Zoning Clearance ZC23-0600, Eberhard Equipment
Heavy Machinery Repair of Tractors and Accessory Sales of
Component Parts
167 Lambert Street, Unit C, Oxnard, CA

Exhibit 3

Approved Floor Plan

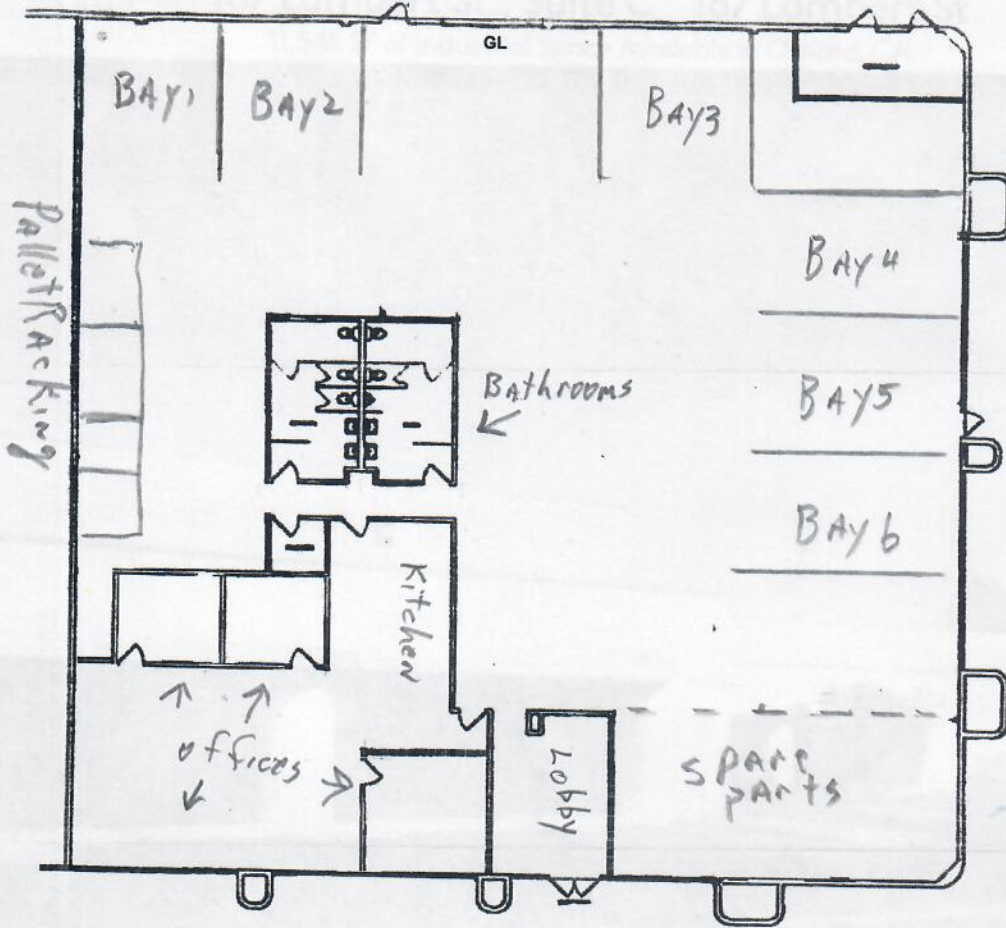


Exhibit 4

CONDITIONS OF APPROVAL FOR EBERHARD EQUIPMENT CONDITIONAL USE PERMIT (CUP) CASE NO. PL23-0133

Planning Division Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, exhibits 2-5 of the Planning Director hearing on February 22, 2024, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

Eberhard Equipment has been granted a CUP to engage in the rental, leasing, and sale of equipment and durable goods for a 15-year period. Existing accessory uses that would continue onsite include the repair of heavy equipment and sale of component parts originally authorized by Zoning Clearance ZC23-0600. Eberhard Equipment operates out of Suite C (11,545 sf) in the existing multi-tenant industrial building. Forty-five of the ninety-one existing parking spaces at the multi-tenant industrial building are dedicated to the proposed project. Twenty-three parking spaces are provided for the proposed use for parking (1 space per 500 sq. ft. of GFA). Twenty-two parking spaces will be converted into an outdoor sales and display area for heavy machinery, incidental to the primary operations conducted in Suite C. The remaining forty-six parking spaces are available for the remaining tenants of the multi-tenant industrial building (1 space per 500 sq. ft. of GFA). There are no proposed physical changes to Suite C, and no proposed physical changes or permanent structures to create the outdoor sales and display area. Outside storage in the outdoor sales and display area is strictly prohibited. The remainder of the existing multi-tenant industrial building will be operated and maintained in accordance with the terms of PD 996.

The hours of operation will be limited to Monday through Friday from 7:00am to 5:00pm and the business employs 15 staff. The Vineyard Avenue Mutual Water Company provides water and the County of Ventura Sanitation District Area 34 provides sewer. A paved driveway from Lambert Street provides access to the site (Exhibit 3).

2. Days and Hours of Operation

County of Ventura
Planning Director Hearing
Case No. PL23-0133
Exhibit 4 - Conditions of Approval

Purpose: To be compatible with surrounding land uses it is necessary to limit the days and hours of operation of the approved use.

Requirement: The operation of Eberhard Equipment shall be limited to Monday through Friday from 7:00am to 5:00pm. The Permittee shall post the hours of operation in an obvious location that can be seen by customers and vendors. The signage must be made of weatherproof and permanent material and comply with Article 10 of the Ventura County Non-Coastal Zoning Ordinance (NCZO).

Documentation: The Permittee shall provide the Planning Division with photographic documentation that the hours of operation have been posted as required pursuant to this condition.

Timing: The Permittee shall post the hours of operation prior to the issuance of Zoning Clearance for use inauguration and the Permittee shall maintain the posted hours of operation for the life of the permit.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of § 8114-3 of the NCZO.

3. Site Maintenance

Purpose: To ensure that the Project site is maintained in a neat and orderly manner so as not to create any hazardous conditions or unsightly conditions which are visible from outside of the Project site.

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

Documentation: The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

Timing: The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff have the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the NCZO.

4. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the NCZO (Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors
- b. Suspension of the permitted land uses (Condition No. 1)
- c. Modification of the CUP conditions listed herein
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property
- e. The imposition of civil administrative penalties
- f. Revocation of this CUP

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations.

6. Time Limits

- a. Use inauguration:

1. The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes

effective, the Permittee must obtain a Zoning Clearance for use inauguration to initiate the land uses described in Condition No. 1.

2. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the date the approval decision of this CUP becomes effective (NCZO § 8111-4.7). The Planning Director may grant a one-year extension of time to the Permittee to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
 3. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.
- b. Permit Life or Operations Period: This CUP will expire on [REDACTED]. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:
1. The Permittee has filed a permit modification application pursuant to § 8111-6 of the NCZO prior to [REDACTED].
 2. The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the NCZO.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CUP

Purpose: To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this CUP.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation (e.g., copies of permits or agreements from other agencies, which are required pursuant to a condition of this CUP) to verify that the Permittee has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

Documentation: The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective Project file. If the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project or the other agency's requirements, then the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

8. Notice of CUP Requirements and Retention of CUP Conditions On-Site

Purpose: To ensure full and proper notice of these CUP conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this CUP.

Documentation: The Permittee shall present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

Timing: Prior to issuance of a Zoning Clearance for use inauguration and throughout the life of the Project.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the NCZO.

9. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a "Notice of Land Use Entitlement" form and the conditions of this CUP with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP.

Requirement: The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a "Notice of Land Use Entitlement" form furnished by the Planning Division and the conditions of this CUP with the deed for the property that is subject to this CUP.

Documentation: Recorded “Notice of Land Use Entitlement” form and conditions of this CUP.

Timing: The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this CUP to Planning Division staff to be included in the Project file.

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. Cost Responsibilities: The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the NCZO (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. Establishment of Revolving Compliance Account: Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:
 - 1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 10.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
 - 2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee’s right to challenge all such charges and penalties prior to payment.

- c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action, or proceeding subject to subpart 11.a above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

12. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 10 above, if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

14. Relationship of CUP Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein conflicts with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this CUP nor compliance with the conditions of this CUP shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

15. Contact Person

Purpose: To designate a person responsible for responding to complaints.

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP. The designated contact person shall be available, via telecommunication, 24 hours a day.

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers, and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the NCZO.

16. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the NCZO.

17. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents associated with, or resulting from, the Project.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the Project Site.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include but is not limited to a description of the facts of the incident; the corrective measures used, if any; and the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of receiving the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the Project file.

18. Landscaping

Purpose: To ensure landscaping is installed and maintained pursuant to the approved landscape plans for CUP PL20-0111. Or, to ensure new landscaping is installed pursuant to the standards set forth in Sec. 8106-8.2 of the NCZO.

Requirement: The Permittee shall install landscaping pursuant to the approved landscape plans for CUP PL20-0111. Alternatively, the Permittee shall submit a revised landscape plan and install new landscaping pursuant to the standards set forth in Sec. 8106-8.2 of the NZCO.

Documentation: The Permittee shall submit photo documentation that the landscaping has been installed pursuant to the approved landscape plans for CUP PL20-0111. Alternatively, the Permittee shall submit a revised landscape plan and install new landscaping pursuant to the standards set forth in Sec. 8106-8.2 of the NCZO.

Timing: The Permittee shall submit the photo documentation described above to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for use inauguration. Alternatively, the Permittee shall submit a revised landscape plan, obtain the Planning Division's approval of the revised landscape plan, install new landscaping pursuant to the approved plans, and provide photo documentation of the new landscaping to the Planning Division for review and approval prior to issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: Landscaping shall be maintained for the life of the permit. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the NCZO.

19. Sign Plan

Purpose: To ensure signage on the property complies with Chapter 1, Article 10 of the NCZO and Policy ED-34.1 of the El Rio / Del Norte Area Plan.

Requirement: The Permittee shall submit a sign plan to the Planning Division for review and approval. The sign plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval. The Permittee also shall be responsible for obtaining a Zoning Clearance for any new or replacement sign to ensure that the signage for the Project continues to comply with the approved sign plan.

Documentation: A stamped copy of the approved sign plan.

Timing: The Permittee shall submit the sign plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the Project file. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the NCZO.

20. Availability of Parking Spaces

Purpose: To ensure compliance with § 8108-3 of the NCZO.

Requirement: The Permittee shall ensure that the required 23 motor vehicle parking spaces (including accessible spaces) remain continuously available for their intended parking use and are not used for merchandise display, storage, vehicle repair, or any other unauthorized use. The Permittee shall maintain the required parking area as illustrated on the approved site plan. This maintenance requirement includes, but is not limited to, the number of parking spaces, curbs, directional markings, accessible parking symbols, screening, sight distance, surfaces, signs, striping, lighting fixtures, landscaping, and trash and recyclables enclosures.

Documentation: A stamped copy of the approved site plan.

Timing: The Permittee shall install all components of the required parking area as indicated on the approved site plan prior to occupancy and shall maintain the required parking area as illustrated on the approved site plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved site plan provided by the Permittee in the Project file. The Building and Safety Inspector and Planning Division have the authority to inspect the site to ensure compliance with the approved site plan prior to occupancy. Planning Division staff has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the NCZO.

Ventura County Fire Protection District (VCFPD) Conditions

21. **Access:** Maintain a minimum 20-foot access road in accordance with VCFPD Standard 501.
22. **Fire Code Permits:** Applicant and / or tenant shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit.

Environmental Health Division Conditions

23. Hazardous Materials/Waste Management (CUPA Permit Required)

Purpose: To comply with the California Code of Regulations Title 22, Division 4.5, California Health and Safety Code chapter 6.95; and Ventura County Ordinance Code,

and to ensure the safe storage, handling, and disposal of any potentially hazardous material and/or waste.

Requirement: The Permittee shall submit a Hazardous Materials Business Plan (HMBP) to the Environmental Health Division/Certified Unified Program Agency (Ventura CUPA) for storage of hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid). If hazardous wastes are generated, an EPA ID number issued by the California Department of Toxic Substances Control must be obtained and maintained in active status. Wastes identified as "non-hazardous" may require waste determination analysis to confirm if wastes are listed hazardous wastes, exhibits a hazardous characteristic through testing, or application of general knowledge.

Documentation: A completed HMBP must be submitted to the Ventura CUPA electronically through the California Environmental Reporting System (CERS). Maintain all records of hazardous waste determination testing and disposal and make available for review by this Ventura CUPA staff upon request.

Timing: HMBP must be submitted through CERS annually, and whenever there is a change to the type, quantity, or location of the hazardous materials. EPA ID number must be renewed annually.

Monitoring and Reporting: Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura CUPA staff. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency website: <https://vcrma.org/cupa>.



Exhibit 5 – General Plan and El Rio/Del Norte Area Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-2478 • vcrma.org/divisions/planning

CONSISTENCY WITH THE GENERAL PLAN AND EL RIO/DEL NORTE AREA PLAN FOR EBERHARD EQUIPMENT, CASE NO. PL23-0133

The Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

The project would authorize Eberhard Equipment to engage in the rental, leasing, and sale of equipment and durable goods for a 15-year period (Case No. PL23-0133).

Evaluated below is the consistency of the project with the applicable policies of the General Plan *Goals, Policies and Programs*, as well as the El Rio / Del Norte Area Plan *Goals and Policies*.

- 1. LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

ED-11.1 Discretionary Commercial Development in El Rio/Del Norte: *The County shall require commercial development to be designed to ensure consistency with the community character of the El Rio/Del Norte area.*

ED-13.1 Limit on Industrial Uses: *The County shall prohibit the expansion of industrial uses outside of areas presently planned for industrial.*

ED-13.3 Discretionary Review of Industrial Development: *The County shall subject industrial development to either a Planned Development Permit or Conditional Use Permit to assure compatibility with neighboring uses. Such review shall give careful attention to aesthetics, landscaping, signage, access, site and building design and size, drainage, on-site parking and circulation, operating hours, fencing, and mitigation of nuisance factors.*

ED-17.2 Review of All Discretionary Development: *The County shall review and condition all discretionary development projects to ensure that they are in conformance with the Building Intensity, Population Density Summary Table (Table ED-3), compatible with their surroundings, are of highest quality and best*

County of Ventura
Planning Director Hearing
Case No. PL23-0133
Exhibit 5 - General Plan & El Rio/Del Norte
Area Plan Consistency Analysis

design feasible, are consistent with the character of the El Rio/Del Norte area, and are beneficial to the community as a whole.

The proposed project allows for an existing business, Eberhard Equipment, to engage in the rental, leasing, and sale of equipment and durable goods. Additionally, 22 existing parking spaces will be converted to an outdoor sales and display area for heavy machinery. The project site is zoned M2 and surrounded by similar industrial development. The reduction in parking will not impact neighboring businesses, as the tenant's space was formerly occupied by a commercial office tenant which required significantly more parking. Furthermore, parking for the project is provided in compliance with the parking and loading requirements of the NCZO. Finally, the project is conditioned to require landscape improvements and a sign plan to ensure the development is consistent with the character of surrounding development (Exhibit 4, Condition Nos. 18 and 19).

Based on the discussion above, the project is consistent with General Plan Policy LU16.1 and El Rio/Del Norte Area Plan Policies ED-11.1, ED-13.1, 13.3 and ED-17.2.

2. **WR-1.2 Watershed Planning:** *The County shall consider the location of a discretionary project within a watershed to determine whether or not it could negatively impact a water source. As part of discretionary project review, the County shall also consider local watershed management plans when considering land use development.*

WR-1.12 and WR-2.2: Water Quality Protection for Discretionary Development: *The County shall evaluate the potential for discretionary development to cause deposition and discharge of sediment, debris, waste and other pollutants into surface runoff, drainage systems, surface water bodies, and groundwater. The County shall require discretionary development to minimize potential deposition and discharge through point source controls, storm water treatment, runoff reduction measures, best management practices, and low impact development.*

ED-39.3 Compliance with National Pollution Discharge Elimination System (NPDES): *The County shall require discretionary development to comply with all applicable NPDES (National Pollution Discharge Elimination System) standards to protect surface water quality.*

The proposed project does not involve development or uses that could affect the groundwater or hydrological conditions of the watershed in which the project site is located. Additionally, the proposed project was reviewed by the Public Works Agency Watershed Protection Division and the National Pollution Discharge Elimination System (NPDES) standards were determined to not be applicable to the project.

Based on the discussion above, the project is consistent with General Plan Policies WR-1.2, WR-1.12, and WR-2.2 and El Rio/Del Norte Area Plan Policy ED-39.3.

- 3. WR-F Discretionary Development Review for Adequate Water and Wastewater:** *The County shall verify that all discretionary development proposals demonstrate an adequate long-term supply of water, adequate methods for sewage disposal, provide adequate drainage to avoid flooding, prevent erosion, and prevent contamination of local water.*

WR-1.11 Adequate Water for Discretionary Development: *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

PFS-1.7 Public Facilities, Services, and Infrastructure Availability: *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

PFS-4.1 Wastewater Connections Requirement: *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable.*

ED-25.1 Percolation Standards for Discretionary Development: *The County shall require discretionary development to be either served by a sewage treatment facility or an on-site septic system where the total percolate from the property to the groundwater basin does not exceed the Primary Standards - Inorganic Chemicals (Article 4, Title 22, California Code of Regulations). The County Environmental Health Division shall regulate the installation and maintenance of septic systems in accordance with the County's Sewer Policy, County Building Code and County Service Area 32.*

ED-39.1 Groundwater Quality Protection: *In order to protect groundwater quantity, the County shall require discretionary development to not result in any net decrease in the quantity of groundwater, taking into account existing and projected water supply and demand factors (e.g. potable water demand, landscape irrigation, evapotranspiration, recharge). Discretionary development may utilize water offsets (e.g. plumbing fixture retrofits in existing structures) to achieve no decrease in the quantity of groundwater.*

Sewer service for the proposed project is provided by Ventura County Service Area 34. Domestic water for the proposed project is provided by Vineyard Avenue Mutual Water Company. The project site was developed and authorized to be used

as a multi-tenant industrial building by Planned Development Permit 996 in 1984. As such, the proposed project and existing use of the space by an industrial tenant will not generate additional impacts to the quantity of groundwater.

Based on the discussion above, the project is consistent with General Plan Policies WR-F, WR-1.11, PFS-1.7, and PFS-4.1 and El Rio/Del Norte Area Plan Policies ED-25.1 and 39.1.

4. **ED-25.4 Solid Waste Reduction:** *The County shall require discretionary development to employ practices that reduce the quantities of solid wastes generated and to engage in recycling activities.*

The proposed project was reviewed by the Public Works Agency Integrated Waste Management Division and determined to be in compliance with the division's standards for waste management.

Based on the discussion above, the project is consistent with the El Rio/Del Norte Area Plan Policy ED-25.4.

5. **ED-21.1 Public Review Authority:** *The El Rio/Del Norte Municipal Advisory Council shall continue to be the Board of Supervisors' recognized public review group for the El Rio/Del Norte area. All County and city applications for discretionary permits and all environmental documents for projects which would affect the El Rio/Del Norte area shall be sent to the Board of Supervisors' Office for transmittal to the El Rio/Del Norte Municipal Advisory Council as early in the process as possible.*

ED-21.2 Notification of the El Rio/Del Norte Municipal Advisory Council: *All County departments shall make an effort to notify the El Rio/Del Norte Municipal Advisory Council through the Board of Supervisors' Office, as early in the process as possible, concerning issues and programs of importance to the El Rio/Del Norte area prior to decisions being made regarding these matters.*

On January 18, 2024, the El Rio/Del Norte Municipal Advisory Council (MAC) considered the proposed project at the El Rio/Del Norte MAC meeting. The MAC voted 7-0 recommending approval of the project with no proposed changes. Chair Mike Barber was not in attendance at the meeting.

Based on the discussion above, the project is consistent with the El Rio/Del Norte Area Plan Policies ED-21.1 and ED-21.2

6. **ED-34.1 Discretionary Development Adjacent to Highways and Major Roadways:** *The County shall subject discretionary development on parcels adjacent to U.S. 101, Ventura Boulevard, Highway 118, State Route 232, Rose*

Avenue, Santa Clara Avenue, and Central Avenue (within the El Rio/Del Norte Area Plan boundary) to the following development standards:

- a. A sign program shall be submitted concurrently with a discretionary permit for all commercial and industrial development. Freestanding off-site advertising signs shall be prohibited. All on-site freestanding signs shall be limited to five feet in height.*
- b. Outside open storage shall be landscaped and/or screened from public view to the maximum extent feasible.*
- c. The architectural design and building material of development shall be designed to enhance the visual quality of the surrounding areas.*

The proposed project is adjacent to State Route 232. A sign plan documenting the signage for the proposed project is included in Exhibit 3 of the Planning Director Hearing Staff Report and is compliant with the El Rio/Del Norte Area Plan Policy ED-34.1. The proposed project includes an outdoor sales and display area for heavy machinery which is not considered outside open storage and therefore, not subject to additional landscaping and screening. Regardless, the proposed project is conditioned to require improvements to the existing landscaping (Exhibit 4, Condition No. 18). There are no proposed physical changes to the architectural design and building materials of the existing structure.

Based on the discussion above, the project is consistent with the El Rio/Del Norte Area Plan Policy ED-34.1.

7. HAZ-9.2 Noise Compatibility Standards: *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

- 1. New noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*
- 2. New noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that indoor noise levels in habitable rooms do not exceed Community Noise Equivalent Level (CNEL) 45 and outdoor noise levels do not exceed L10 of 60 dB(A).*
- 3. New noise sensitive uses proposed to be located near airports:*
 - a. Shall be prohibited if they are in a Community Noise Equivalent Level (CNEL) 65 dB or greater, noise contour; or*

PFS-12.4 Consistent Fire Protection Standards for New Development: *The County, in coordination with local water agencies and the Fire Protection District, shall require new discretionary development to comply with applicable standards for fire flows and fire protection.*

PFS-Q Adequate Fire Flow – New Development: *The County shall continue to review all new development to ensure that an adequate level of water for fire flow and fire protection can be provided.*

CTM-2.28 Emergency Access: *The County shall ensure that all new discretionary projects are fully evaluated for potential impacts to emergency access. Mitigation of these impacts shall be handled on a project-by-project basis to guarantee continued emergency service operations and service levels.*

The proposed project will be subject to conditions of approval that the Ventura County Fire Protection District (VCFPD) recommended to ensure compliance with all VCFPD regulations (Exhibit 4, Condition Nos. 21, 22).

Based on the discussion above, the project is consistent with General Plan Policies PFS-11.4, PFS-12.4, CTM-2.28, and PFS-Q.

- 9. CTM-2.29 Railroad Safety Assessment:** *The County shall require that all new discretionary development is evaluated for potential impacts to existing railroad facilities and operations and identify appropriate mitigation measures, as warranted therein.*

The closest railroad to the project site is approximately 1.75 miles from the project site (at the closest point) and, at this distance, the proposed project will not have any direct effects on railroad facilities and/or operations. Furthermore, the proposed project will not generate traffic that could adversely affect railroad crossings.

Based on the discussion above, the project is consistent with General Plan Policy CTM-2.29.

- 10. CTM-4.2 Alternative Transportation:** *The County shall encourage bicycling, walking, public transportation, and other forms of alternative transportation to reduce Vehicle Miles Traveled (VMT), traffic congestion, and greenhouse gas emissions.*

The proposed project allows for an existing business to engage in the rental, leasing, and sales of equipment and durable goods. The project site is located adjacent to State Route 232 and surrounded by industrial development. Given the proposed use and the proposed project site's location, the proposed project will

not create substantial new traffic and/or demand for multimodal transportation facilities.

Based on the discussion above, the project is consistent with General Plan Policy CTM-4.2.

11.LU-18.2 Input on Proposed Planning Activities: *Within designated disadvantaged communities, the County shall facilitate opportunities for community members and stakeholders to provide meaningful and effective input on proposed planning activities early on and continuously throughout the public review process.*

LU-18.4 Variety of Public Communication Methods: *Within designated disadvantaged communities, the County shall continue to share public information across a variety of media, technological, and traditional platforms, and languages based on the demographics of the community.*

The project site is located within the designated disadvantaged community of El Rio / Del Norte. On January 18, 2024, the El Rio/Del Norte Municipal Advisory Council (MAC) considered the proposed project at the El Rio/Del Norte MAC meeting. The MAC voted 7-0 recommending approval of the project with no proposed changes. Chair Mike Barber was not in attendance at the meeting. Additionally, postcards providing notice of the Planning Director hearing were sent to property owners within 500 feet of the project site. These notices were provided in English and Spanish. The Spanish version included contact information for Planning Division Spanish-speaking staff who can provide information on the project or instructions on how to participate in the Planning Commission hearing, including the option to request interpretive services for the hearing.

Based on the discussion above, the project is consistent with General Plan Policies LU-18.2 and LU-18.4.