



Planning Director Staff Report – Hearing on June 30, 2022

County of Ventura • Resource Management Agency • Planning Division

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

WEBSTER MODIFIED CONDITIONAL USE PERMIT, CASE NO. PL22-0047

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP, Case No. PL19-0089) for retail business known as Greg Rents to extend the term of the CUP to the year 2040 (Case No. PL22-0047).
2. **Applicant:** Greg Webster, 420 N. Ventura Ave, Oak View CA 93022
3. **Property Owner:** Greg Webster, 420 N. Ventura Ave, Oak View CA 93022
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested modified CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site is located at 420 North Ventura Avenue at the southeast intersection of Ventura Avenue (State Route 33) and Park Road in the community of Oak View. The Tax Assessor's parcel numbers are 034-0-133-095 and -105, which are two, separate legal lots that are 0.35 acres and 0.29 acres (respectively) in size. The CUP area is approximately 0.64 acres. (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Existing Community
 - b. Ojai Area Plan Designation: Commercial
 - c. Zoning Designation: CPD (Commercial Planned Development)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North - South	CPD/TRU/DKS and RE-1 ac/ TRUC/DKS	Commercial businesses, single-family dwellings and a church
West	CPD/TRU/DKS/RE-10,000 sq. ft./TRU/DKS	Commercial businesses
East	CPD/TRU/DKS	Single-family dwellings

- 8. History:** From 1954 until 1972 the project site consisted of a gas station that had six pumps and a 992 square foot building. In 1972, the gas station was converted to an automotive repair and muffler repair shop, which included automobile sales, pursuant to Planned Development Permit Case Nos. PD-0872 and PD-5110.

On February 11, 2010, the County Planning Commission granted LU05-0118 to authorize the use and operation of an existing retail business.

On March 10, 2009, the Planning Director approved the applicant's request for a reduction of the required parking spaces because the operation consists of a small-town business with intermittent customers and a very low volume of cars coming to the site throughout the business day. Therefore, pursuant to the authority granted in the VC NCZO (§8108-2), the Planning Director authorized a reduction in the minimum number of parking spaces that would be required for the project.

On May 24, 2011, the Planning Director granted Permit Adjustment No. 1 (Case No. LU11-0034) to modify Condition Nos. 1 and 25 to add the sales of concrete and to allow for up to five years to install sidewalk, curb and gutter improvements.

On September 30, 2020, the Planning Director granted PL19-0089 to authorize renewal for the continued operation for a 10-year period. However, the applicant had requested that renewal be granted for a 20-year period and staff issued the 10-year permit in error.

On April 21, 2022, the applicant requested this modification to add the additional 10 years to the permit (Case. No. PL22-0047).

- 9. Project Description:** The applicant requests a minor modification of CUP LU05-0118 (as modified by Permit Adjustment Case No. LU11-0034 and Minor Modification Case No. PL19-0089) to extend the term of the CUP to October 31, 2040. No other changes are proposed.

The continued use of this permit involves retail sales and leasing of durable goods which includes the following:

- Rental and leasing of durable goods (i.e., cement mixers, bobcats, backhoes, manlifts, scissor lifts, saws, utility trailers, generators, ladders, rotor tillers, small hand tools, floor sanders, polishers and the like); and,
- Retail sales of lumber, firewood, building and landscape materials, outdoor power equipment, personal protective equipment, sand, decorative rock, wood chips/bark, gravel material, and the like.

No new construction or demolition of any existing buildings or structures would occur for the proposed project. The proposed project includes the use of an existing:

- 992 square foot Retail Office/Equipment Repair Shop;
- 12,500 square foot outside landscape materials storage area for sales of sand, decorative rock, wood chips/bark and gravel stored in approximately 23 concrete block bins, each of which is 225 square feet in size and five feet in height;
- 4,120 square foot outdoor storage and display area for rental and leasing of durable goods;
- Metal shade structure, which is 360 square feet in size and 14.8 feet in height; and,
- 499 gallon above-ground propane tank.

Ojai Valley Sanitation District would continue to provide waste treatment and disposal for the proposed project.

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. As the project is for the continued operation and maintenance of an existing business for an additional 10-year period, staff has determined that the Project qualifies for a Class 1 (Section 15301) categorical exemption. 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.

Therefore, this Project is categorically exempt, pursuant to Section 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The 2040 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 proposed modification would add another 10 years to the CUP. The subject business continues to be consistent with the Ojai Valley Area Plan, including such policies as:

- Ojai Valley Area Plan Water Supply and Distribution Policy 4.2.2-1 and -2
- Ojai Valley Area Plan Biological Resources Policy 1.4.2-4
- Ojai Valley Area Plan Scenic Resources Policy 1.6.2-1 and -7
- Ojai Valley Area Plan Fire Hazards Policy 2.3.2-1:
- Ojai Valley Area Plan Public Safety Policies 4.5.2-1 and -2
- Ojai Valley Area Plan Noise Hazards Policy 2.4.2-2
- Ojai Valley Area Plan Commercial Policy 3.6.2-2

The subject business also continues to be consistent with General Plan policies such as:

- LU-16.1 Community Character and Quality of Life
- EV-1.7 Supporting Industries Fitting County Needs
- EV-1.9 Range of Commercial Services
- EV-3.1 Existing Business Retention

Based on the discussion above, the proposed project is consistent with Ojai Valley Area Plan and the Ventura County General Plan.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County NCZO (Section 8105-5), the proposed use is allowed in the CPD district with the granting of a CUP. Upon the granting of the modified CUP, the proposed project would comply with the requirements of the Ventura County NCZO.

The proposed project includes the continued use of a retail business and is subject to the development standards of the Ventura County NCZO (Section 8106-1.2). 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

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	No requirement	Yes
Maximum Percentage of Building Coverage	60%	Yes
From Street	5-feet	Yes

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Each Interior Yard	5-feet if adjacent to an R-zone	Yes
Maximum Structure Height	35 feet	Yes

The proposed retail use is subject to the special use standards of the Ventura County NCZO. Table 2 lists the applicable special use standards and a description of whether the proposed project complies with the special use standards.

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8109-2.1.1 - Enclosed Building Requirements: <i>All uses shall be conducted within a completely enclosed building, unless the use is specifically listed in Article 5 as an outdoor use or is one which must be located outdoors in order to function</i></p>	Yes. Outdoor uses were permitted as accessory to the retail business with the approval of LU05-0118.
<p>Section 8109-2.1.2 - Lighting: <i>There shall be no illumination or glare from commercial sites onto adjacent properties or streets which may be considered either objectionable by adjacent residents or hazardous to motorists. Flashing lights are strictly prohibited.</i></p>	Yes. A condition of approval (Condition No. 25) shall continue to be imposed which includes the requirements of Section 8109-2.1.2.
<p>Section 8109-2.1.6 - Performance Standards: <i>Development in commercial zones is subject to the performance standards of Sec. 8109-3.1.3.</i></p> <p>Section 8109-3.1.3 - Industrial Performance Standards: <i>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:</i></p> <p><i>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:</i></p> <p><i>(1) Smoke, odors, vapors, gases, acids, fumes, dust, dirt, fly ash or other forms of air pollution;</i></p> <p><i>(2) Noise, vibration, pulsations or similar phenomena;</i></p> <p><i>(3) Glare or heat;</i></p> <p><i>(4) Radioactivity or electrical disturbance.</i></p> <p><i>The point of measurement for these factors shall be at the lot or ownership line surrounding the use.</i></p> <p><i>d. Exceptions - Exceptions to these regulations may be made during brief periods for reasonable cause, such as breakdown or overhaul of equipment, modification or cleaning of equipment, or other similar reason, when it is evident that such cause was not reasonably preventable.</i></p>	Yes. The site plan (Exhibit 3) and conditions of approval (Exhibit 4, Condition Nos. 1, 2, 4, 19, 21, 25, 26, 27, and 34) demonstrate compliance with Sections 8109-2.1.6 and 8109-3.1.3.

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<i>These regulations shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified.</i>	
<p>Sec. 8108-4 - Number of Parking Spaces Required</p> <p><i>Rental and Leasing of Durable Goods requires 1 space per 500 sq. ft. of sales or display area (excludes storage areas not used by the public)</i></p>	<p>Yes. On March 10, 2009, the Planning Director approved the applicant's request for a reduction of the required parking spaces because the operation consists of a small-town business with intermittent customers and a very low volume of cars coming to the site throughout the business day. The reduction in parking will not adversely affect existing or potential land uses adjoining, or in the general vicinity of, the project site. Therefore, pursuant to the authority granted in the VC NCZO (§8108-2), the Planning Director authorized a reduction in the minimum number of parking spaces that would be required for this project.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 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 Sections C and D of this staff report, the finding that the project 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 can be made.

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

As discussed in Sections C and D (above), the project would continue be compatible with the character of the surrounding development. The land uses that surround the proposed retail operation consist of a mixture of one-story single-family residential dwellings and one-story commercial buildings on lots that are similar in size to the project site.

The existing structures on site would not be modified and are consistent with the height, bulk and scale of the surrounding commercial and residential buildings. Since the existing structures on the project site would not be modified and are not

out of scale with the surrounding residences and businesses, they are consistent with the character of the surrounding development. Furthermore, the project would continue to be subject to a condition of approval (Exhibit 4, Condition No. 4) that would require the permittee to maintain the CUP area in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way.

Finally, with the implementation of the recommended conditions of approval regarding the permitted land use, monitoring and enforcement, condition compliance, contact person, resolution of complaints, reporting of major incidents, landscaping, signage, equipment height, and lighting, (Exhibit 4, Conditions Nos. 1, 2, 7, 12, 17, 18, 19, 21, 22, 23, and 25) the proposed project would be compatible with the character of surrounding legally established development.

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 proposed project does not involve any new construction or demolition activities. Therefore, the proposed project does not have the potential to create any short-term nuisances (e.g., dust generation, noise, or increases in construction-related traffic) related to such activities, or create the potential for the introduction of new development that would be obnoxious or harmful, or impair the utility of neighboring property or uses.

Moreover, as described above (Findings Nos. 1 and 2), with the inclusion of the recommended conditions of approval regarding permit time limitations and modifications, traffic/circulation, and fire protection, the proposed project does not have the potential to create any nuisances or adverse effects on neighboring property or uses. With the implementation of the recommended conditions of approval for reporting of major accidents (Exhibit 4, Condition 19), the permittee must immediately notify the Planning Director of any incidents (e.g., fires, explosions, or spills) that could pose a hazard to life or property inside or outside of the CUP area. Upon the request of any County agency, the permittee would be required to provide a written report of any incident within seven calendar days that includes, but is not limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident.

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].

As described in Findings Nos. 1 through 3 above, with implementation of conditions of approval (Exhibit 4) regarding permit time limitation/modifications, signage, maintenance of landscaping, contact person, resolution of complaints, enforcement, condition compliance, traffic/circulation, and fire protection, the project would not be detrimental to the public interest, health, safety convenience or welfare.

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 proposed CUP Modification would add additional years to the existing permit for financing purposes. Planning staff has determined that the project, as conditioned, would continue to be compatible with surrounding land uses. The project site and surrounding properties have a land use designation of "Existing Community." In addition, the proposed project is located within the *Ojai Valley Area Plan* boundary and has a land use designation of "Commercial" and a zoning designation of CPD.

As discussed above (Finding No. 2), the existing surrounding development consists of a combination of: residential land uses on lots that have either a "R1-15,000 sq. ft." (Single-Family Residential, 15,000 square foot minimum lot size) or "RE-1 ac" (Rural Exclusive, one acre minimum lot size) zoning designation; commercial land uses on lots that have a CPD zoning designation and industrial land uses zoned "M1- 10,000 sq. ft." land which are similar in size to the project site. The proposed project does not involve any new construction which could interfere with surrounding land uses, the existing buildings are consistent with the size and scale of surrounding development and the *Ojai Valley Area Plan's* development standards, and conditions of approval would continue be applied to the project to ensure that landscaping is maintained, and any possible future nuisances/complaints are addressed in a timely manner.

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].

Tax Assessor's Parcels 034-0-133-095 and 034-0-133-105 were Parcels 1 and 2 (respectively) of Parcel Map Waiver ("PMW") No. 664 (Ventura County Official Records, Document No. 93-081228, recorded on May 6, 1993). In order to process LU05-0118, the Permittee received approval of, and recorded on October 27, 2010, a Parcel Map Waiver-Voluntary Merger ("PMW-VM," Case No. SD05-0050).

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].

Pursuant to the CEQA guidelines and staff's analysis, the Project was determined to qualify for a categorical exemption (Class 1, Section 15301).

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), Ventura County NCZO (Section 8111-3.1). On June 17, 2022, the Planning Division mailed notice to owners of property within 2000 feet of the property sites on which the project site is located. Also on June 17, 2022, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley News*. Planning staff also verified that Ojai Valley Municipal Advisory Committee (MAC) did not need to review the item at a MAC 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 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a Minor Modification of CUP LU05-0118 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. **GRANT** Minor Modification of CUP LU05-0118 (Case No. PL22-0047), subject to the conditions of approval (Exhibit 5); and,
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 permit has been approved, conditionally approved, or

denied (or on the following workday if the 10th day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact Mindy Fogg at (805) 654-5192 or mindy.fogg@ventura.org.

Prepared by:



Mindy Fogg, Manager
Commercial and Industrial Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project Plans
- Exhibit 4 Draft Conditions of Approval



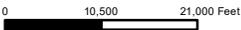
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Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 05-31-2022



County of Ventura
 Planning Director Hearing
 PL22-0047
 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.

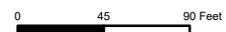




Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 05-31-2022
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County of Ventura
 Planning Director Hearing
 PL22-0047
 General Plan & Zoning Map



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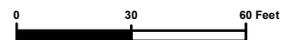




Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 05-31-2022



County of Ventura
Planning Director Hearing
PL22-0047
Aerial Photography



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VENTURA AVE - HWY 33

COUNTY OF VENTURA
PLANNING DIVISION

APPROVED

Date 2-15-12

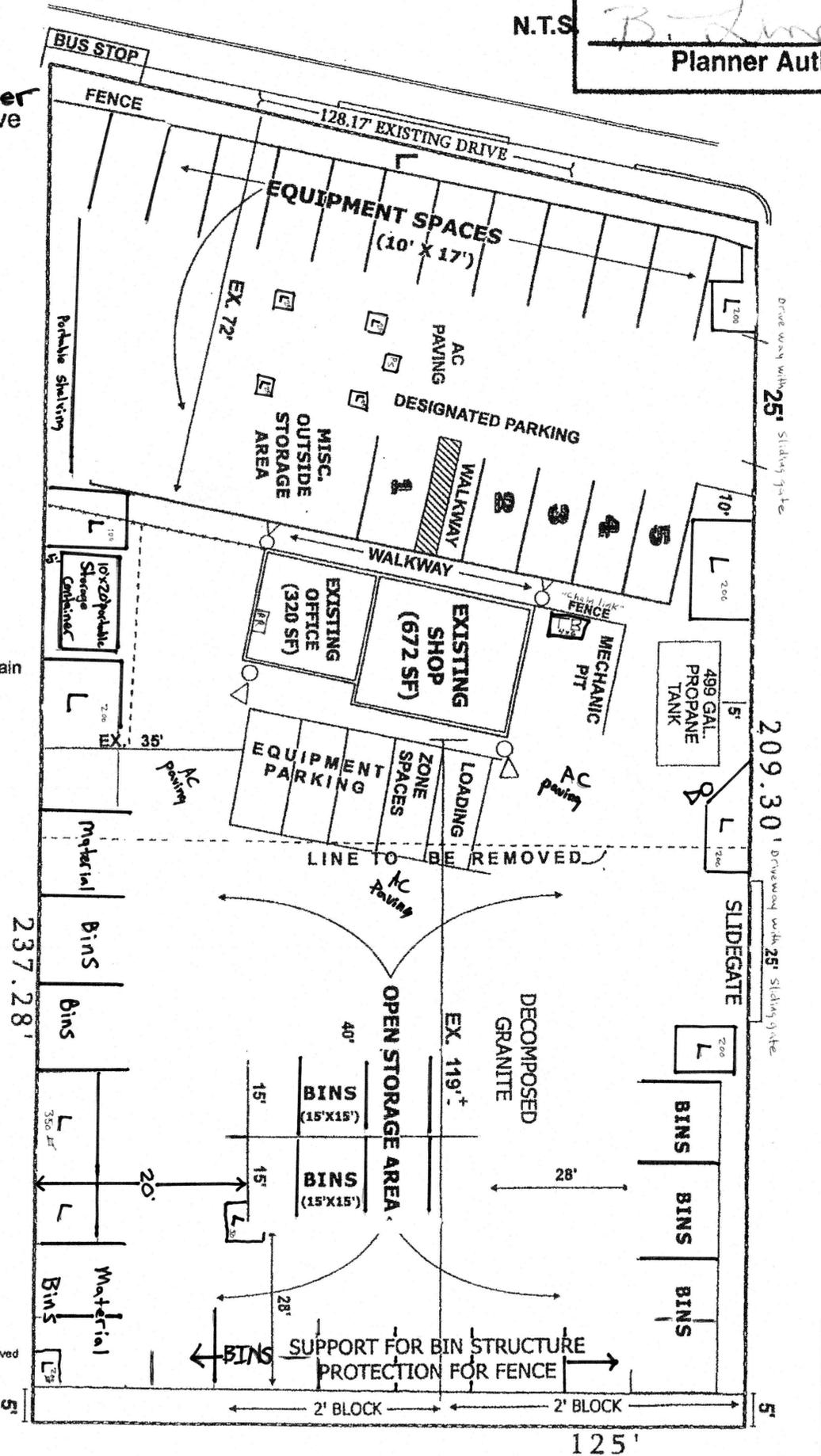
Permit No. CC12-0142

B. J. Smith
Planner Authorizing

N.T.S.

Owner:

Gregory F Webster
c/o 420 N. Ventura Ave
Oak View, CA 93022
(805) 649-2590



Site Development:

Legend:

- ▷ ○ = Wall/Mount Floodlight
- Bins = 15'x15' w/ 5' walls contain
- L = Landscape
- RR = restroom
- TB = trash bin 4'x6'
- ps = pallet scale

Bins = roughly 15'x15'.
23 total filled
With bulk landscape
Material Such as...
Rock, Sand, gravel, dirt,
firewood and the like
ect... depending on
Season.

Project Info:

Assessor's Parcels: 034-0-085-095 & 105
Lot Size = 27, 911 S.F.
Existing zoning: CPD

Lot coverages	S.F.	%
Building (Ex.)	992	3.5
Landscape (Ex.)	640	2.3
Landscape (E.X.)	1550	10.0
Paving	16651	59.5
Storage Bins	2900	10.4

Parking	S.F.	Req.	#
1/300 Office	320	1.07	2
1/500 Shop	672	1.3	2
1/2000 Outdoor Stor. Display	4120	2.1	3

Provided	Spac#	no
9x20	1, 2, 3, 4 & 5	5
	Total =	5

* Reduction from 7 to 5 parking spaces approved by Planning Director on March 10, 2009.

**Existing "3"
LU05-0118
Existing Site Plan**

**Standard Conditions of Approval
for Conditional Use Permit LU05-0118 as modified by LU11-0034,
PL19-0089 and PL22-0047**

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. Planning Division (PL) Conditions

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, Exhibit No. 3 of the Planning Director hearing on June 30, 2022, 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 in order 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:

This permit authorizes the continued use of the property for retail sales and leasing of durable goods which includes the following:

- Rental and leasing of durable goods (i.e., cement mixers, bobcats, backhoes, manlifts, scissor lifts, saws, utility trailers, generators, ladders, rotor tillers, small hand tools, floor sanders, polishers and the like); and,
- Retail sales of lumber, firewood, building and landscape materials, outdoor power equipment, personal protective equipment, sand, decorative rock, wood chips/bark, gravel material, and the like.

No new construction or demolition of any existing buildings or structures would occur for the proposed project. The proposed project includes the use of an existing:

- 992 square foot Retail Office/Equipment Repair Shop;
- 12,500 square foot outside landscape materials storage area for sales of sand, decorative rock, wood chips/bark and gravel stored in approximately 23 concrete block bins, each of which is 225 square feet in size and five feet in height;
- 4,120 square foot outdoor storage and display area for rental and leasing of durable goods;
- Metal shade structure, which is 360 square feet in size and 14.8 feet in height; and,
- 499 gallon above-ground propane tank.

Ojai Valley Sanitation District will continue to provide waste treatment and disposal for the proposed project.

The use and maintenance of the property, the size, shape, arrangement, and the location of structures shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Days and Hours of Operation

Purpose: In order to maintain compliance with the original conditions of approval granted for the existing use of the property for retail sales and leasing of durable goods, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The hours of operation will be: Monday through Friday, 6:00 am to 6:00 pm; Saturday, 7:00 am to 3:00 pm; and, Sunday, 12:00 pm to 3:00 pm. No loading of material would occur prior to 7:00 a.m., Monday through Sunday.

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

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 Ventura County Non-Coastal Zoning Ordinance.

3. Required Improvements for CUP

Purpose: To ensure the project site conforms to the plans approved at the Planning Director hearing in support of the project.

Requirement: The Permittee shall ensure that all required on-site improvements for the project, including structures, paving, parking, and landscaping are completed in conformance with the approved plans stamped as hearing (Exhibit 3). The Permittee shall submit all final building and site plans for the County's review and approval in accordance with the approved plans.

Documentation: The Permittee shall obtain Planning Division staff's stamped approval on the project plans and submit them to the County for inclusion in the Project file. The Permittee shall submit additional plans to the Planning Division for review and stamped approval (e.g., tree protection and landscape plans) for inclusion in the Project file, as necessary.

Timing: Prior to the issuance of a Zoning Clearance for construction the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and Public Works Director allow the Permittee to provide financial

security and a final executed agreement, approved as to form by County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to occupancy. The Permittee shall maintain the required improvements for the life of the permit.

Monitoring and Reporting: The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has 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 Ventura County Non-Coastal Zoning Ordinance.

4. 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 has 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 Ventura County Non-Coastal Zoning Ordinance.

5. 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 in order 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.

6. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency.

7. 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 Ventura County Non-Coastal Zoning Ordinance (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; and/or
- 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.

8. 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 date, 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 in order to initiate the land uses set forth 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. The Planning Director may grant a one year extension of time to the Permittee in order 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 **October 31, 2040**. 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 Ventura County Non-Coastal Zoning Ordinance prior to **October 31, 2040**; and

(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 Ventura County Non-Coastal Zoning Ordinance.

9. 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. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the Project

or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency.

10. 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/PD.

Documentation: The Permittee shall maintain a current set of CUP conditions and exhibits at the project site.

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 Ventura County Non-Coastal Zoning Ordinance.

11. 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 of 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.

12. 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 Ventura County Coastal Zoning Ordinance (§ 8183-5) 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:

Pursuant to the requirements of CUP Case No. LU05-0118, the Resource Management Agency created Condition Compliance Case No. CC10-0052 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly imposed civil administrative penalties, regarding CUP Case No. LU05-0118. The Planning Division will continue to use Condition Compliance Case No. CC10-0052 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 12.a (above), and any duly imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC10-0052, 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.

13. 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 (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.

14. 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, Planning Commission 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.

15. 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. 12 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.

16. 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 is in conflict 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.

The Permittee shall obtain a business tax certificate for the operation of the retail business.

17. 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.

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 Ventura County Non-Coastal Zoning Ordinance.

18. Resolution of Complaints

The following process shall be used to resolve complaints related to the project:

- a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 17 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
- b. If a written complaint is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
- c. If, following a complaint investigation, a violation of the Ventura County Ordinance Code or a condition of this permit is confirmed, enforcement actions pursuant to § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance will be initiated.

19. 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/voicemail and email 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.

20. 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 a 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 Ventura County Non-Coastal Zoning Ordinance.

21. Landscaping and Screening

Purpose: To comply with the County's landscaping and screening requirements.

Requirement: The Permittee shall prepare a landscape plan that complies with the requirements of this condition and the "Ventura County Landscape Design Criteria" (1992).

Landscaping Objectives: The Permittee must install and maintain landscaping and screening that serves the following functions:

- a. Screens undesirable views and incompatible land uses. The Permittee must install/maintain landscaping and screening to screen the site from public viewing locations (e.g., Highway 33).
- b. Ensures compatibility with community character. The Permittee must install landscaping that visually integrates the development with the character of the surrounding community.
- c. Shades and improves the aesthetics of paved areas that the public and employees use. The Permittee must maintain landscaping in the parking area.

- d. Crime Deterring. The landscape design shall deter crime by allowing unobstructed views of vulnerable doors and windows from the street and other properties, avoiding blind spots and hiding spaces, and creating pedestrian walkways that are safe.

Landscaping Design: The Permittee shall design all landscaping such that the landscaping requires minimal amounts of water and uses required water efficiently.

Documentation: The Permittee shall submit three sets of a draft landscape plan to the Planning Division for review and approval. A landscape architect (or other qualified individual as approved by the Planning Director) shall prepare the landscape plan, demonstrating compliance with the requirements set forth in this condition (above), and the Ventura County Landscape Design Criteria. After landscape installation, the Permittee shall submit to Planning Division staff a statement from the project landscape architect that the Permittee installed all landscaping as shown on the approved landscape plan. Prior to installation of the landscaping, the Permittee must obtain the Planning Director's approval of any changes to the landscape plans that affect the character or quantity of the plant material or irrigation system design.

Timing: The Permittee shall submit the landscape plan to the Planning Division for review and approval prior to issuance of a Zoning Clearance for use inauguration. Landscaping installation and maintenance activities shall occur according to the timing requirements set forth in the "Ventura County Landscape Design Criteria" (§ F).

Monitoring and Reporting: Landscaping approval/installation verification, monitoring activities, and enforcement activities shall occur according to the procedures set forth in the "Ventura County Landscape Design Criteria" (§§ F and G). The Planning Division maintains the landscape plans and statement by the landscape architect in the Project file and has the authority to conduct site inspections to ensure that the Permittee installs and maintains the landscaping in accordance with the approved plan consistent with the requirements of § 8114-3 of the Non-Coastal Zoning Ordinance.

22. Sign Regulations

Continue to adhere to the approved sign plan on file as LU05-0118.

23. Equipment Height

All raise-able equipment such as platform lifts, excavators, and buckets shall not be positioned to be higher than 25 feet and/or above the tree line of the trees in the landscaping on site.

24. Availability of Parking Spaces

The permittee shall maintain the existing five parking spaces on the project site for retail customers (three parking spaces for the office/shop and two parking spaces for the outside storage/display area) and the one bicycle parking space adjacent to the existing parking lot. No portion of a parking space shall be located within 10 feet of a driveway entrance or exit. Whenever feasible, business vehicles will be parked on site.

25. Exterior Lighting

The permittee shall maintain adequate on-site lighting for security and shall shield and direct downward all exterior light fixtures to prevent significant light and glare emanation onto neighboring properties and Highway 33. The permittee shall ensure that no exterior lighting glare is seen from adjacent properties.

26. Noise

Outdoor noise levels produced by forklift backup sirens or any other noise generating equipment that is operated on the project site shall not exceed any of the following standards, as measured at the exterior wall of any building that is occupied by a noise sensitive receptor:

- a. Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;
- b. Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and,
- c. Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.

II. Environmental Health Division (EHD) Conditions

27. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations.

PUBLIC WORKS AGENCY (PWA) Conditions

Roads & Transportation Department (TD) Conditions

28. Traffic Impact Mitigation Fee

Purpose: To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County General Plan Goals, Policies, and Programs Section 4.2.2-6 and Ventura County Ordinance Code, Division 8, Chapter 6 require that the PWATD collect a Traffic Impact Mitigation Fee (TIMF).

Requirement: Based on our record, there has been no TIMF paid for the project site. However, the property has been in use since 1954. The current application is not proposing an increase in trips. No additional TIMF is due at this time. The applicant/permittee shall deposit a TIMF with the PWATD when additional ADT is generated past the baseline ADT. The baseline trip generation rate shall be calculated based on the current square footage of the building, 992 sf. Any changes in the trip generation shall require the payment of a TIMF. The applicant/permittee may choose to submit additional information or provide a Traffic Study to supplement the information currently provided to establish the baseline trip generation rate. The TIMF may be adjusted for inflation at the time of deposit in accordance with the latest version of the

Engineering News Record Construction Cost Index. Based on the applicant's information:

Baseline ADT Calculations:

Total building square footage – 992 SF

$$40 \text{ ADT} = 992 \text{ SF} \times (40 \text{ ADT} / 1000 \text{ SF})$$

Baseline AM Peak Hour Calculations:

Total ADT – 40

$$1 \text{ AM Peak Hour} = 40 \times .03$$

Baseline PM Peak Hour Calculations:

Total ADT – 40

$$4 \text{ PM Peak Hour} = 40 \times .09$$

Notes:

- (1) Trip Generation established by using SANDAG April 2002 Brief Guide of Vehicular Traffic Generation Rates the use of the project is Commercial/Retail – Commercial Shops – Specialty Retail/Strip Commercial. 40 ADT per 1000 sf. with 3% AM Peak Hour Trips and 9% PM Peak Hour Trips.
- (2) The trips generated by the project shall be used as a baseline level so that the TIMF may be computed for future increases to the trip generation. Based on the applicant's information, the existing baseline level is 40 ADT, 1 AM Peak House, and 4 PM Peak Hour. (TD - 4).

Documentation: No Documentation needed.

Timing: There is not timing for this condition.

Monitoring and Reporting: There is no monitoring and reporting.

29. Sidewalk

Purpose: In 2007 PWATD conditioned the project to improve Ventura Avenue along the project frontage, including construction of sidewalk, curb, and gutter and any drainage improvements that may be needed. The applicant was in agreement with this condition but has yet to comply and follow through with the improvements along Ventura Avenue. The applicant must perform the improvements along Ventura Avenue along the project frontage. Including construction of a sidewalk, curb, and gutter, and any drainage improvements needed.

Requirement: The sidewalk, curb and gutter, and drainage improvements shall be constructed in accordance with American with Disabilities Act Standards, State law, and Caltrans Standards. The applicant shall obtain an encroachment permit from Caltrans to construct these improvements. The applicant shall provide the PWATD with documentation of the encroachment permit and correspondence with Caltrans regarding the encroachment permit.

Documentation: The PWA – Roads & Transportation Department will review the improvement plans and supporting documentation.

Timing: The obtaining of an encroachment permit shall be done before issuance of any building permit, zoning clearance, and/or use inauguration. The improvement on Ventura Avenue shall be completed within 12 months of the approval of these conditions of approval for PL 19-0089.

Monitoring and Reporting: The Caltrans Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit. The applicant is responsible for informing PWATD of when the improvements have been made, which can be verified by PWATD.

30. Unauthorized Encroachments

Purpose: The applicant has stored material including items retail items, constructions equipment, over grown vegetation, and advertisements in the public right-of-way on Ventura Avenue and Park Avenue. The stored material are considered unauthorized encroachments. All unauthorized encroachments must be removed from the public right-of-way and cannot be placed back in the public road right-of-way.

Requirement: The applicant/permittee shall remove all unauthorized encroachments from the public right-of-way. Any boulders, tractors, and advertisements shall be removed from the public right-of-way along both Ventura Avenue and Park Avenue. An unattached trailer that follows the regulations of the California Vehicle Code may be allowed to be parked legally in the Public Right-of-Way, however it needs to conform to all local and State codes and laws. All vegetation that is in the public right-of-way along Ventura Avenue will be trimmed back and maintained to allow the public to use the asphalt walkway and shall be maintained to not hinder the use by the general public. All vegetation that is in the public right-of-way along Park Avenue, shall be trimmed back and maintained to allow the shoulder to be used by the general public. Once the vegetation along both avenues has been initially trimmed, the applicant/permittee shall contact PWATD to verify.

Documentation: The applicant shall submit documented proof that this condition has been met and will be verified by PWATD.

Timing: This condition shall be met prior to the issuance of a building permit, zoning clearance, or use inauguration whichever comes first.

Monitoring and Reporting: The PWA – Transportation Department will review the supporting documentation. The PWA – Transportation Department Inspectors will verify that the work has been performed.

31. Other Agency Review

When a project/development is adjacent to another public agency's right-of-way, in this case, State Highway 33, North Ventura Avenue, then the PWATD recommends review by that agency, Caltrans. The applicant shall provide PWATD documentation from Caltrans verifying if additional dedication of right-of-way along State Highway 33 is required or not. This documentation shall be provided prior to zoning clearance.

WATERSHED PROTECTION DISTRICT (WPD) CONDITIONS

32. Vehicle and Equipment Maintenance Area

Purpose: In accordance with the Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2 2 and 4, Vehicle and Equipment Maintenance Area is required.

Requirement: All vehicle and equipment maintenance shall be conducted in the work bay, on the grandfathered mechanic pit or in the covered workshop.

33. Containment Area for Liquid Waste and Petroleum Products

Purpose: In accordance with Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2 2 and 4, Containment Area for Liquid Waste and Petroleum Products is required.

Requirement: All liquid waste and petroleum products shall be stored in proper containers and stored in pre-approved or designated containment areas only. If waste products will be stored in an alternate temporary location, Permittee shall provide detailed plans of impermeable area with same construction as containment areas. Specifically describe where these waste products will be stored, an estimate of the amount of accumulated waste at any one time and information on the planned frequency for disposal.

Documentation: A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit a Containment Area for Liquid Waste and Petroleum Products site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved Containment Area for Liquid Waste and Petroleum Products site plan will be maintained in the case file. The Permittee shall allow the WPD to inspect the Containment Area for Liquid Waste and Petroleum Products upon request.

34. Containment Area for Hazardous Materials

Purpose: In accordance with the Ventura County General Plan Goals, Policies, and Programs Policies 1.3.2 2 and 4, a containment area for hazardous materials is required.

Requirement: The Permittee shall submit a site plan to the WPD that shows all hazardous materials, fertilizers and chemicals are stored in a Containment Area properly designated and equipped for the safe storage of the hazardous materials, fertilizers and chemicals.

Documentation: A copy of the approved containment area for hazardous materials site plan.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit the containment area for hazardous materials site plan to the WPD for review and approval.

Monitoring and Reporting: A copy of the approved containment area for hazardous materials site plan will be maintained in the case file. The Permittee shall allow WPD to inspect the Containment Area for Hazardous Materials upon request.

OTHER VENTURA COUNTY AGENCIES

Ventura County Fire Protection District (VCFPD) Conditions

35. Address Numbers (Commercial, Industrial, Multi-Family Buildings)

Purpose: To ensure proper premise identification to expedite emergency response.

Requirement: The Permittee shall install a minimum of 10 inch address numbers that are a contrasting color to the background and readily visible at night. Brass or gold plated numbers shall not be used. Where structures are setback more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches in height and shall be posted at the front and rear entrance to each unit. Additional address directional signs may be required at common building entrances and stairways.

Documentation: A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

Timing: The Permittee shall install address numbers before final occupancy.

Monitoring and Reporting: A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction" shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form.

36. Fire Code Permits

Purpose: To comply with the requirements of the Ventura County Fire Code.

Requirement: The Permittee shall obtain all applicable Fire Code permits.

Conditions for CUP Case No. PL22-0047
Permittee: Greg Webster
Date of Public Hearing: June 30, 2022
Date of Approval: TBD

Location: 420 North Ventura Avenue
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Documentation: A signed copy of the Fire Code permit(s).

Timing: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval before final occupancy, installation and/or use of any item/system requiring a Fire Code permit.

Monitoring and Reporting: A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

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