



Exhibit 3 – Timeline of Correspondence and Meetings

Case No. PL20-0032

Board of Supervisors Hearing of September 26, 2023

County of Ventura • Resource Management Agency

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

Post August 27, 2020 Planning Commission Hearing

September 2020

Initially, Mr. Woody and the applicant were in contact with the Planning Division and the Code Compliance Division regarding the desire to resolve the violations on the property. On September 15, 2020, Mr. Woody requested the Planning Division conduct a cursory review of a prospective revised project description and site plan to address the outstanding violations ostensibly in anticipation of withdrawing the appeal to the Board of Supervisors. Mr. Woody requested that the Planning Director's determination of "denial" of the Zoning Clearance applications be changed to reflect a "correction" based on the proposed project revisions (Exhibit 3.1). Planning Division staff advised Mr. Woody and the property owner that the Planning Commission upheld the Planning Director's decision to deny the requested Zoning Clearances and this decision cannot be administratively changed. In addition, the Planning Division staff provided a cursory review of the proposed revised project description and site plan and provided the property owner comments on September 21, 2020 (Exhibit 3.2).

October 2020

At the request of the applicant, a Housing Policy Analyst from the State Housing and Community Development Department (HCD) contacted the Planning Division on October 2, 2020, inquiring about the circumstances at the property and the County's perspective on the violations on the property. On October 15, 2020, Planning Division staff conducted a Zoom meeting with Mr. Jose Ayala of HCD to discuss the outstanding violations and the permit process to abate the violations, the historic background of the property, and the project's inconsistencies with the regulations of the NCZO. Additionally, Planning Division staff provided Mr. Ayala with a copy of the August 27, 2020, Planning Commission staff report (Exhibit 1) and advised him that Planning Division staff would be available if HCD had any further questions. On October 29, 2020, Mr. Ayala notified the Planning Division that the issues related to the subject property were not under the jurisdiction of HCD and that HCD "*would not be pursuing further Accountability and Enforcement actions [against the County]*" (Exhibit 3.3)

October 2020 to July 2021

During the months of October and November 2020, the applicant communicated with the Building and Safety Division, the Code Compliance Division, and the Planning Division via email on several occasions regarding the abatement of the violations and new request to finalize the electrical upgrade in Building 5 (a building that is not part of the appeal or violation case) on the property. The electrical upgrade permit for Building 5 was approved by the Planning and Building and Safety Divisions. However, after six months of discussions, the County and the property owner were unable to reach an agreement on the abatement of the outstanding violations, and a Board appeal hearing was subsequently scheduled for March 16, 2021. The applicant requested to postpone the

hearing because the applicant had hired two new representative/consultants (Peter Goldenring and John Hecht) who requested more time to prepare for the Board appeal hearing. The Planning Division was amenable to the postponement and provided the applicant with additional time. The Board hearing was then scheduled for April 27, 2021, but the applicant again requested to postpone this hearing for the same reasons. During June and July 2021, County staff and the applicant's two representatives coordinated on setting a new Board hearing date for October 5, 2021.

August 2021 to September 2021

The applicant's two representatives requested and held a meeting with County staff on August 19, 2021, to again discuss how to address the outstanding violations without proceeding to a Board hearing. Staff advised the applicant's representatives that as currently proposed, the project could not be approved with a ministerial Zoning Clearance unless changes were made to demonstrate compliance with the following: NCZO section 8111-1.1.1.b, pertaining to findings to issue a Zoning Clearance; NCZO sections 8107-1.7 (Accessory Dwelling Units) and 8107-41 (Agricultural Worker Housing), pertaining to the number and size of dwellings on a property; and, NCZO section 8113-6.2.1, pertaining to the voluntary destruction and rebuilding of a nonconforming structure. In order to qualify for a ministerial Zoning Clearance, the applicant would need to revise the scope of work to convert the existing creamery building (Building 4) to a principal dwelling, convert the existing principal dwelling (Building H1) to an ADU and reduce the size to a maximum of 1,800 sq. ft. gross floor area, convert the cow stable (Building 2) to an 1,800 sq. ft. gross floor area farmworker dwelling unit with 2,764 sq. ft. of attached agricultural storage, and rebuild the existing partially demolished caretaker dwelling to a maximum size of 1,800 sq. ft. gross floor area. County staff also reiterated to the applicant's representatives the different ministerial and discretionary permit paths (e.g., Planned Development or Conditional Use Permit or both) to take, depending on the applicant's scope of work, in order to resolve the violations.

October 2021

A week before the scheduled October 5, 2021 Board appeal hearing, the applicant's representative Peter Goldenring requested in writing to the Board to allow the appeal hearing to be postponed again and expressed the desire to work with staff and submit "a new zoning clearance for processing." Mr. Goldenring requested to continue the Board hearing to a date uncertain pending the Board's decision regarding the Agricultural Worker and Employee Housing Regulations (Ordinance No. 4596, adopted on March 1, 2022), which could affect the applicant's ability to rebuild the partially demolished historic caretaker dwelling (Building H2) as a second farmworker dwelling unit. (Exhibit 3.4). Planning staff agreed to the continuation of the appeal hearing based on the understanding that the applicant would enter into a compliance agreement with the County to systematically abate the violations and move forward with submitting a new Zoning Clearance application that demonstrates compliance and consistency with the regulations of the NCZO while holding in abeyance the decision of Building H2 until a Board appeal hearing was rescheduled.

On October 19, 2021, Planning Division staff met with the applicant and the applicant's representatives, John Hecht and Helen Eloyan (Meeting #1), which was memorialized in a memorandum prepared by Planning Division staff, dated October 21, 2021. A copy of

the memorandum was provided to the applicant, John Hecht, and Helen Eloyan (Exhibit 3.5). As reflected in the memorandum, the topics covered at this meeting included, but were not limited to, a revised scope of work for a new Zoning Clearance Application, the requirement for a compliance agreement, an overview of the required CHB review process, and review of the applicant's revised preliminary set of plans. Planning Division staff provided to the applicant and the applicant's representatives a copy of the Zoning Clearance Application instructions, which included the minimum requirements for site plans, floor plans and elevations. Planning Division staff also reviewed each page of the 14-page preliminary set of plans brought to the meeting by the applicant, and provided corrections and mark-ups where necessary, including a comment that the revised set of plans must be dated accurately to reflect the new scope of work (not with the original date of the plans). John Hecht made a copy of the marked-up plans and advised Planning Division staff that he would provide them a revised set of plans.

November 2021

About a month later, on November 16, 2021, Planning Division staff reminded by letter to Mr. Goldenring, that in order to hold the violations in abeyance and to confirm the applicant's commitment to resolving all outstanding violations, a compliance agreement was required. Planning staff also attached a copy of the memorandum documenting the October 19, 2021 meeting, which Mr. Goldenring had not attended (See Exhibit 3.6.).

On November 23, 2021, Mr. Goldenring responded to the Planning Division's November 16, 2021 letter and indicated that "there is an upcoming meeting for presentation of the final plans and review with Ms. Rosengren" and that Planning staff's memorandum "appears to make statements that are not consistent with our client's understanding..." (Exhibit 3.7). Among other issues, Mr. Goldenring stated that the applicant had issues with the permit process, including the required CHB review process, and the requirements for a compliance agreement.

December 2021

On December 2, 2021, Planning Division staff met with the applicant and the applicant's representative Helen Eloyan (Meeting #2) to review the set of plans that were corrected in response to the October 19, 2021 meeting where Planning Division staff had reviewed the plans with the applicant. The scope of work on the revised plans appeared to be consistent with the NCZO, and Planning Division staff advised the applicant to move forward with submitting a new Zoning Clearance Application. Planning Division staff again advised the applicant that the compliance agreement fees had not yet been submitted and explained the reason for the compliance agreement requirement in order to move forward. The applicant indicated that she thought her other representative, Mr. Goldenring, had sent the Planning Division a letter responding to the requirement of a compliance agreement and that she would wait to submit the new Zoning Clearance Application until the compliance agreement issue has been resolved.

In response to Meeting #2, on December 6, 2021, Mr. Goldenring sent a letter contesting the requirement to submit a new Zoning Clearance Application and to pay the related fees for the review of the revised scope of work (Exhibit 3.8). This statement was directly contrary to statements Mr. Goldenring made to the Board in his October 1, 2021 letter (See Exhibit 3.4) requesting a continuation of the appeal hearing, which stated that the

applicant would be “submitting a new zoning clearance for processing” in order to partially address the outstanding violations.

On December 9, 2021, the Planning Director spoke with the applicant’s representative John Hecht to clarify the role each representative had for the applicant since there appeared to be a lack of communication between the two representatives, one of which (Mr. Goldenring) never attended the two meetings with Planning Division staff. The Planning Director clarified with Mr. Hecht the next steps in the process, which included the applicant submitting a preparation fee for the compliance agreement, staff drafting the compliance agreement, obtaining a signed compliance agreement from both parties, the applicant providing correct date and notations on plans, and for the applicant to submit a new Zoning Clearance Application.

On December 22, 2021, per the request of the applicant’s representative John Hecht, the Planning Director sent Mr. Goldenring an email that explained that staff had been working with the applicant on addressing the plans, and was confused by his December 6, 2021 correspondence asserting that the process was not being followed by staff. The email also provided a list of the next steps in the process (Exhibit 3.9).

January 2022

Over a month later, on January 27, 2022, Mr. Goldenring advised the Planning Director that “submissions will be made shortly for Zoning Clearance Ministerial Permits,” and that his client was entitled to refunds for fees that were paid for two Zoning Clearance Applications (not part of this appeal) that were submitted in error, as well as a refund of Building and Safety Division early plan check review fees (Exhibit 3.10).

February 2022

On February 7, 2022, Mr. Goldenring advised the Planning Director that he had a number of concerns with the way the Planning Division was handling his client’s matter (Exhibit 3.11). Mr. Goldenring further explained in the letter that the requirement for a new “Zoning Clearance Application is inconsistent with the communications to the Board of Supervisors as a process to ‘get it done’ as set forth hereinafter,” and outlined the scope of work for each structure and the associated Zoning Clearance Application fees. He stated that the fees were enclosed with the letter, but they were not. Notably, the scope of work in Mr. Goldenring’s letter was different than the applicant’s scope of work previously reviewed by Planning staff at Meeting #2 in December 2021, which Planning staff had indicated was consistent with the NCZO. Mr. Goldenring’s revised scope of work contained inconsistencies with the regulations of the NCZO, as listed below:

- (1) The proposal includes redesignating a portion (1,933 sq. ft.) of the agricultural structure (Building 2) to a farmworker dwelling unit. This proposal is inconsistent with NCZO section 8107-41.3.2(c), which allows a maximum 1,800-sq. ft. gross floor area farmworker dwelling unit.
- (2) The proposal includes converting an existing agricultural structure (Building 4) to the principal dwelling, which would create two principal dwelling units on the property. The proposal does not include the redesignation of the existing approximate 2,000-sq. ft. principal dwelling to an ADU, nor does it reduce it to a

size at or below the maximum allowed 1,800 sq. ft. This is inconsistent with NCZO section 8107-1.7 (Accessory Dwelling Units).

On February 11, 2022, Mr. Goldenring sent another letter to the Planning Director indicating that he understood from Planning Division staff that “barn conversions of more than 1,800 square feet are not allowed,” and requested a citation from the NCZO (Exhibit 3.12). Mr. Goldenring continued to disagree with the Planning Division’s interpretation of the ordinance requirements and stated that “these buildings go back to the 1920’s, are established by preexisting current zoning and therefore are unambiguously vested and grandfathered by right.”

On February 14, 2022, the Planning Director responded to Mr. Goldenring’s January 27, 2022 letter advising that the Planning Division would issue a refund for the two Zoning Clearance Applications, but that a refund of the Building and Safety early plan check review fee would need to be disputed directly with the Building and Safety Division (Exhibit 3.13).

March 2022

On March 3, 2022, the Planning Director provided a response to Mr. Goldenring’s letters of February 7 and 11, 2022 (Exhibit 3.14), advising that the compliance agreement preparation fees had still not been submitted, which was delaying the applicant’s submittal of the Zoning Clearance Application, the Cultural Heritage Board review process, and the resolution of the violations. The Planning Director gave the applicant a deadline of March 10, 2022, to submit the fee for preparation of the compliance agreement; otherwise the appeal hearing would be scheduled before the Board of Supervisors.

On March 8, 2022, Mr. Goldenring requested an additional week to submit the compliance agreement preparation fee (Exhibit 3.15). On March 10, 2022, the Planning Director granted the request (Exhibit 3.16).

On March 17, 2022, Mr. Goldenring advised the Planning Director that the applicant had agreed to submit the fee required for Planning Division staff to prepare a draft compliance agreement (Exhibit 3.17). Mr. Goldenring indicated that the applicant does not want to “see the project languish further while we work through the compliance agreement.” Planning staff commenced efforts to draft the compliance agreement.

April 2022

During staff’s drafting of the compliance agreement, on April 15, 2022, the applicant submitted two letters outlining her findings and research concerning the validity of the Planning Director’s denial of the two Zoning Clearances on appeal and the procedures for returning a qualified historic property to its prior use (Exhibit 3.18). The letters contained inquiries and questions that had already been addressed in the April 14, 2020 Notice of Denial letter, the August 27, 2020 Planning Commission Staff Report, and in other various correspondence and meetings. Nevertheless, staff work on the compliance agreement temporarily ceased in order to redirect staff to review and respond to the two letters from the applicant.

On April 21, 2022, Planning Division staff emailed the draft compliance agreement to the applicant and the applicant's representatives for review and comment. The draft compliance agreement consisted of deadlines and a set of permit processes for the applicant to pursue in order to resolve the violations, and an agreement by the County to hold in abeyance the violation pertaining to Building H2 until the Board of Supervisors de novo appeal hearing could be rescheduled, previously postponed from October 5, 2021. (Exhibit 3.19).

May 2022

On May 9, 2022, the Planning Division received from Mr. Goldenring two letters of substantial edits to the draft compliance agreement (Exhibit 3.20). The letters included 30 separate issues with the draft compliance agreement, categorized as structural issues and specific issues.

On May 10, 2022, the Planning Director provided a response to the two letters sent by the applicant on April 15, 2022 (Exhibit 3.21).

On May 26, 2022, the Planning Division responded to Mr. Goldenring's May 9, 2022 letters regarding the draft compliance agreement. The Planning Division reiterated the purpose of a compliance agreement. After having thoroughly reviewed the 14 pages of edits sent by the applicant, the Planning Division determined that there were still fundamental disagreements between the County and the applicant on the permitting requirements to resolve the outstanding violations. These included, but were not limited to, the applicant's continued assertions that Building 4 is a dwelling, that Building H2 may be rebuilt to its original state, that Building H1 does not need to be modified in order to meet current code as a result of changing the use of Building 4 to a principal dwelling, and that Building 2 should be issued a building permit retroactively (Exhibit 3.22). In light of these substantial fundamental disagreements described in the May 26, 2022 letter, the Planning Director stated that it was apparent that the parties would not be able to reach an agreement on the details and elements of the compliance agreement, and that therefore continuing work on revising the compliance agreement would be unproductive and an inefficient allocation of both staff's resources and the applicant's time. The Planning Director stated that instead, the appeal case would be scheduled for a hearing before the Board of Supervisors, and that in the meantime the County would continue to refrain from enforcement actions related to CV19-0100 pending the outcome of the Board hearing.

June 2022

On June 6, 2022, the Planning Division received a request from Mr. Goldenring for a refund of the \$676 compliance agreement preparation fees (Exhibit 3.23). By separate correspondence, Mr. Goldenring advised that the applicant agreed to an appeal hearing date of September 20, 2022.

On June 16, 2022, the Planning Director confirmed the hearing date with Mr. Goldenring, and advised him that the refund request would be denied because the compliance agreement preparation fee is non-refundable as set forth in the most current Board-adopted Planning Division fee schedule. The Planning Director further stated that although the compliance agreement was not executed by the parties, the Planning

Division provided the service of drafting the proposed agreement, which took approximately 20 hours to prepare (Exhibit 3.24). The Planning Director further explained that in addition to the 20 hours preparing the draft compliance agreement, 98 additional staff hours (approximately \$16,437) had been spent working with the applicant and both applicant's representatives since the August 27, 2020 Planning Commission hearing, not including the separate time spent by the Code Compliance Division staff to monitor the open violation case. Thus, a refund of the \$676 for preparation of the draft compliance agreement was not appropriate.

July 2022

On July 6, 2022, the Planning Division received a letter from Mr. Goldenring asking about the Cultural Heritage Ordinance (CHO) update and whether the "changes affect [his] client's property and application." (Exhibit 3.25) On July 8, 2022, the Planning Division responded to Mr. Goldenring's letter that the CHB had already reviewed and acted on his client's application for a Certificate of Appropriateness, which concluded the process with the CHB for that application. Without having received any subsequent application, the Planning Division was therefore unable to comment on how the pending CHO update might impact a scope of work that had not yet been defined or submitted. Regardless, the Planning Division noted that the CHO revisions do not fundamentally change or alter the review procedures for Sites of Merit as applicable to his client's property.

On July 12, 2022 the Board of Supervisors held a hearing on the CHO amendments. Both the applicant and Mr. Goldenring submitted written correspondence on this item. (Exhibits 3.26 and 3.27). The applicant attended the hearing online submitting a request to speak, but declined to provide additional public comment when asked during the hearing.

September 2022

At the request of the applicant's representative, a meeting was held on September 2, 2022, between the RMA Director Kim Prillhart, Mr. Goldenring, and Mr. Hecht to discuss the scheduled September 20, 2022 Board appeal hearing, the County's position concerning the abatement of the violations, and the draft compliance agreement. The applicant's representatives indicated that they will advise the applicant of a potential path forward. The Planning Division rescheduled the September 20, 2022 Board appeal hearing to December 20, 2022 to provide the applicant additional time to determine the path forward to resolve the violations.

October 2022

On October 12, 2022, the applicant met with the RMA Director Kim Prillhart and Planning staff to ask additional questions about the County's record keeping, ADU laws concerning her property, a potentially revised scope of work to resolve the violations, the draft compliance agreement, and the Zoning Clearance and Cultural Heritage review processes. County staff provided her with answers to her questions and asked that she advise the Planning Division if she plans to move forward with implementing the compliance agreement and submitting a Zoning Clearance application to resolve all but one of the violations. The remaining violation concerning the partial demolition of Building H2 would still be addressed at the December 20, 2022 Board appeal hearing.

On October 20, 2022, the applicant agreed to move forward with a compliance agreement. Staff drafted a new compliance agreement.

December 2022

On December 1, 2022, the Compliance Agreement CA22-0010 (Exhibit 3.28) was executed. On December 15, 2022, the applicant submitted an application for a Zoning Clearance as required by the Compliance Agreement CA22-0010 to resolve all but the one violation associated with the partial demolition of the historic caretaker dwelling (Building H2), which is the unresolved matter before your Board.

The December 20, 2022 Board appeal hearing was postponed at the request of the Planning Division because of the timing of the execution of the compliance agreement and the applicant's submittal of a Zoning Clearance application to partially abate the violations. Compliance Agreement CA22-0010 included a condition that required a rescheduled Board of Supervisors appeal hearing no later than 30 days after the issuance of a Building Permit to partially abate the violations. The rescheduled Board appeal hearing would only focus on the matter concerning Building H2. The Board appeal hearing was scheduled for September 26, 2023.

The Planning Division reviewed the proposed project under Zoning Clearance Application ZC22-1424 for conformance with the regulations of the NCZO. A Correction Notice was issued to the applicant on December 21, 2022 (Exhibit 3.29).

January 2023

The applicant resubmitted the Zoning Clearance Application ZC22-1424 for re-review on January 17, 2023. On January 23, 2023, the Planning Division notified the applicant that the Zoning Clearance was approved and could be issued. However, the applicant chose not to obtain the Zoning Clearance at this time, but rather submitted a complaint against the County with the State Housing and Community Development (HCD) Department regarding alleged violations of the County's implementation of the State ADU laws. On January 31, 2023, County staff had a virtual meeting with HCD staff Mike Van Gorder regarding the applicant's complaint that Building 4 (principal agricultural creamery building) should be allowed to be converted to a 17,000 square feet gross floor area ADU in the AE Zone. Mr. Van Gorder advised County staff that he would research the complaint and provide the County with a determination. Later that same day, Mr. Van Gorder notified County staff by email that HCD did not agree with the County's interpretation of the ADU laws (Exhibit 3.30).

February 2023

On February 1, 2023, the applicant emailed the Planning Division advising that she intended on revising her Zoning Clearance Application ZC22-1424 to reflect the outcome of HCD's decision that Building 4 could be converted ministerially into an ADU in the AE Zone (Exhibit 3.31). The Planning Division notified the applicant by email that the County disagreed with HCD's interpretation of the ADU laws in regard to ADUs in the AE and OS Zones and that if she submitted a revised application for the conversion of Building 4 into an ADU it would be denied (Exhibit 3.32).

That same day, County staff responded by email to HCD's January 31, 2023 email stating that the County strongly disagrees with HCD's interpretation of the statutory language and that ADUs in the AE and OS Zones are subject to the County's objective development standards, including size and height limitations, and are reviewed and approved ministerially with a Zoning Clearance. County staff also reminded Mr. Van Gorder that this violation case and these same issues were already discussed with HCD staff in October 2020 when they were first brought to the County's attention by the applicant and HCD determined not to pursue the matter. (Exhibit 3.33).

On February 13, 2023, the applicant resubmitted a revised Zoning Clearance Application ZC22-1424 that included a request to convert Building 4 into a 17,000-square foot gross floor area ADU. A Correction Notice was issued to the applicant on February 21, 2023 (Exhibit 3.34).

March 2023

On March 21, 2023, the applicant resubmitted a revised Zoning Clearance Application ZC22-1424 that included a significantly scaled-down scope of work that only included the abatement of the violations, except for the violation associated with Building H2. A Correction Notice was issued to the applicant on March 29, 2023 (Exhibit 3.35).

April 2023

On April 13, 2023, the applicant made the corrections outlined in the March 29, 2023 Correction Notice and resubmitted a revised set of plans. All of the corrections were made and the Zoning Clearance ZC22-1424 was issued to the applicant on April 20, 2023 (Exhibit 3.36). The Zoning Clearance ZC22-1424 included the abatement of all violations except for the violation associated with Building H2, which is the remaining appeal item. The remaining appeal issue before the Board of Supervisors is whether Building H2 was voluntarily or involuntarily demolished as set forth in the nonconforming regulations of NCZO section 8113-6.1 et seq. NCZO section 8113-6.1.2 states that, "*[w]hever any such structure is voluntarily removed, damaged or destroyed to the extent of more than 50 percent of its floor or roof area which existed before destruction, no structural alterations, repairs or reconstruction shall be made unless every portion of such structure and the use are made to conform to the regulations of the zone classification in which they are located.*" Alternatively, if the nonconforming structure was involuntarily damaged or destroyed in whole or part, the structure may be restored to its original state existing before such removal, damage or destruction pursuant to NCZO section 8113-6.1.1.

July 2023

Pursuant to the Compliance Agreement CA22-0010, the applicant had 90 days from the date of issuance of the Zoning Clearance ZC22-1424 to submit a building permit application to resolve the violations. The applicant submitted a timely building permit application on July 14, 2023. The building permit application (Plan Check Numbers EST-B23-000748 and EST-C23-000816) is currently in review with the Building and Safety Division.

From: [Wright, Winston](#)
To: [Rosengren, Franca](#)
Subject: FW: Revised Site Plan and Scope of Work:
Date: Wednesday, September 16, 2020 2:42:56 PM
Attachments: [003 A-3 Enlarged Site Plan.pdf](#)

From: Everett Woody <ejw@adcarch.com>
Sent: Tuesday, September 15, 2020 5:14 PM
To: Wright, Winston <Winston.Wright@ventura.org>
Cc: Tracy Cortez <tracy@racdb.com>; RAC architects (rick@racdb.com) <rick@racdb.com>; Nate Whitson <nate@nmconstructionco.com>
Subject: Revised Site Plan and Scope of Work:

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Spam.Manager@ventura.org

Good afternoon Winston,

I have attached a revised site plan with revised scope of work to resolve the code compliance case CV19-0100. The owners would like to request that the county change the denial to a correction based upon the revision we are proposing. Please call me to discuss 805 452 2999

Thank you,

Regards,

Everett Jay Woody
Angeli de Covolo, Inc.
122 E. Arrellaga Street
Santa Barbara, CA. 93101



Please consider the environment before printing this email.

From: [Tracy Cortez](#)
To: [Rosengren, Franca](#)
Cc: [Wright, Winston](#)
Subject: Re: Thank you
Date: Monday, September 21, 2020 5:49:33 PM

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

Thank you. We will review carefully. I appreciate the help today!

Tracy Cortez
RAC
3048 North Coolidge Avenue
Los Angeles, CA 90039
c | 213.308.0015
www.racdb.com

On Sep 21, 2020, at 4:50 PM, Rosengren, Franca <Franca.Rosengren@ventura.org> wrote:

Hello Ms. Cortez,

Thank you for your time today, too. I wanted to remind you to review the emails that I have sent you previously regarding what corrections need to be made to the plans. I noticed that the site plans do not address all of the corrections I have provided previously, such as providing the building footprint of each building (not only the GFA). I suggest going down the correction list(s) and making a check next to each one that has been addressed to verify it's done.

In addition to the other corrections we previously provided, please see a few corrections below to the recently submitted site plan:

1. Please relabel H2 on the plans and in the Existing Building Floor Areas Table to say: Legalization of a partial demolition (all walls and floors removed) of an existing 2,646-sq. ft. caretaker dwelling proposed as an agricultural shade structure.
2. Under the Scope of Work table, please remove the term "farm business" for building 2. It sounds like an office (commercial activity) will be located in this building. Instead, as you mentioned, please rephrase that to state "agricultural storage building" or if it's going to be an 1800 sq. ft. farmworker dwelling unit, then please note it as such. Also, under scope of work, we need to have a run-down of everything that you are doing and have done. For each building, please describe all of the work that will be or has been done to make the conversions and to legalize the new use. For example, removing and replacing 4 exterior doors (give sizes) in the living room, dining room, etc., removing and replacing windows (sizes) where?, adding interior walls, adding/removing plumbing plumbing, etc. (this is just my example, not your specific project). The more detailed the better for the Cultural Heritage Review Board's review.
3. I noticed that you only referenced the violation case number next to building 2, when in fact the violation involves the proposed main dwelling, building H2 and building 2. Please make that correction.

When you have submitted the entire application packet for review and paid the fees for Zoning Clearance and CHB review, a formal review of all of the plans will be conducted.

If you have any questions, please let me know.

Sincerely,
Franca

Franca Abbatiello Rosengren | Senior Planner
Planning Permit Administration Section
Franca.Rosengren@ventura.org
Ventura County Resource Management Agency | Planning Division
P. 805.654-2045 | F. 805.654.2509
Additional Planning Division information is available at vcrma.org/planning
Ventura County General Plan Update. Join the conversation at VC2040.org
For online permits and property information, visit [VC Citizen Access](#)
<image001.jpg>

Pursuant to the California Public Records Act, emails retained by the County of Ventura may constitute public records subject to public disclosure.

From: Tracy Cortez <tracy@racdb.com>
Sent: Monday, September 21, 2020 3:26 PM
To: Wright, Winston <Winston.Wright@ventura.org>; Rosengren, Franca <Franca.Rosengren@ventura.org>
Subject: Thank you

County of Ventura Board of Supervisors Hearing PL20-0032 Exhibit 3.2 - September 21, 2020 Corrections to Applicant's Potential Revised Project Description
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CAUTION: If this email looks suspicious, DO NOT click. Forward to Spam.Manager@ventura.org

Thank you for your time today. I appreciate it.

Tracy Cortez
RAC
3048 North Coolidge Avenue
Los Angeles, CA 90039
c | 213.308.0015
www.racdb.com

From: [Ayala, Jose@HCD](mailto:Ayala_Jose@HCD)
To: [Rosengren, Franca](#); [Barrera, Ruben](#); [Ward, Dave](#); [Wright, Winston](#)
Subject: RE: 2275 Aliso Canyon Project
Date: Thursday, October 29, 2020 7:40:46 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.jpg](#)

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Good morning,

I am reporting back on the team's findings. Upon a deeper analysis of the case, HCD will not be pursuing further Accountability and Enforcement actions at this time.

We appreciate you reaching out to the team and for your collaboration during the process. If you have any questions, please do not hesitate to reach out. Thank you, and have a good rest of your week.

Sincerely,



Jose Ayala

Housing Policy Analyst
Housing and Community Development
2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833
Phone: 916.263.5116



From: Rosengren, Franca <Franca.Rosengren@ventura.org>
Sent: Friday, October 2, 2020 4:04 PM
To: Ayala, Jose@HCD <Jose.Ayala@hcd.ca.gov>; Barrera, Ruben <Ruben.Barrera@ventura.org>
Cc: Ward, Dave <Dave.Ward@ventura.org>; Wright, Winston <Winston.Wright@ventura.org>
Subject: RE: 2275 Aliso Canyon Project

Hello Mr. Ayala,

The Planning Division would be happy to have a teleconference with you regarding the Billiwhack Ranch. The soonest I can tentatively schedule a meeting that includes the Planning Director and the Planning management is October 15 at 4 p.m. Please advise if this would work for you.

County of Ventura Board of Supervisors Hearing PL20-0032 Exhibit 3.3 - October 29, 2020 Email from Jose Ayala (HCD) to Franca Rosengren

Ruben, please let me know if this also works for you. If it works for all, I'll send out a telecom meeting invite.

Sincerely,
Franca

Franca Abbatiello Rosengren | Senior Planner

Planning Permit Administration Section

Franca.Rosengren@ventura.org

Ventura County Resource Management Agency | Planning Division

P. 805.654-2045 | F. 805.654.2509

Additional Planning Division information is available at vcrma.org/planning [vcrma.org]

Ventura County General Plan Update. Join the conversation at VC2040.org [vc2040.org]

For online permits and property information, visit VC Citizen Access [vcca.ventura.org]



Pursuant to the California Public Records Act, emails retained by the County of Ventura may constitute public records subject to public disclosure.

From: Ayala, Jose@HCD <Jose.Ayala@hcd.ca.gov>

Sent: Friday, October 2, 2020 10:32 AM

To: Rosengren, Franca <Franca.Rosengren@ventura.org>; Barrera, Ruben <Ruben.Barrera@ventura.org>

Subject: 2275 Aliso Canyon Project

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

Good morning,

My name is Jose Ayala, and I am a Housing Policy Analyst with the California Department of Housing and Community Development. I am contacting you in regards to the project at 2275 Aliso Canyon, also known as the Billiwhack Ranch, to define the circumstances surrounding the issues, and to gain an understanding of the County's perspective.

I would like to set up a phone call to discuss the particulars of the case. Please let me know of some available time slots for next week.

Thank you, and please let me know if you have any questions.

Sincerely,



Jose Ayala

Housing Policy Analyst

Housing & Community Development

2020 W. El Camino Avenue, Suite 500 | Sacramento, CA 95833

Phone: 916.263.5116

[\[secure-web.cisco.com\]](#) [\[secure-web.cisco.com\]](#) [\[secure-web.cisco.com\]](#) Ensure all Californians are counted!
Complete your 2020 Census form and bring billions of federal dollars to California.

Your responses are safe and confidential. Learn more at [CaliforniaCensus.org](#)
[\[secure-web.cisco.com\]](#).

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:

6050 Seahawk Street, Ventura, CA 93003-6622

October 1, 2021

T: 805.642.6702

F: 805.642.3145

Via Email clerkoftheboard@ventura.org

Hon. Linda Parks, Chair

Hon. Carmen Ramirez, Vice Chair

Hon. Matt LaVere, Supervisor

Hon. Kelly Long, Supervisor

Hon. Robert Huber, Supervisor

800 South Victoria Avenue

Ventura, California 93009

Re: Billiwhack Ranch appeal
Hearing Date: October 5, 2021

Dear Chair Parks, Vice Chair Ramirez and Supervisors LaVere, Long and Huber:

On behalf of the Applicant Billiwhack Ranch, Tracy Cortez and Rick Cortez, we wish to advise your Board that there have been considerable conversations occurring between the applicant's team, lead by Mr. John Hecht of Sespe Consulting, with my participation and staff, to find a path forward in this unfortunate circumstance.

On behalf the Applicant, we wish to advise the Board that we request that the current proceeding be continued. The continuance date is uncertain but the intent is that it returns to your Board if that is even necessary, only after your Board to has an opportunity to review, debate and vote on the pending Zoning Amendment that will govern farmworker housing. We understand that to likely occur towards the end of this year or early next year. It would our intent, if required, that this matter come back to the Board within one or two months after your Board addresses that farmworker housing zoning amendment.

In the meanwhile, the Applicant team lead by Mr. Hecht will be interfacing directly with staff on the pending matters. That will include the following:

1. With respect to the bunk house, commonly referred to as Building H-2, the issue involves involuntary removal. The Applicant team will work with staff to address these issues at length, provide further information and, hopefully, accomplish a path forward that is consistent with all of the interest of the participants. We believe this is possible.

2. With respect to the caretaker dwelling and the cow barn, we anticipate the Applicant team meeting directly with staff, going through plans, getting the plans agreed upon and approved and then concurrently submitting a new zoning clearance for processing.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.4 - October 1, 2021 Letter from
Peter Goldenring to the Board of
Supervisors



Hon. Linda Parks, Chair; Hon. Carmen Ramirez, Vice Chair; Hon. Matt LaVere, Supervisor;
Hon. Kelly Long, Supervisor; Hon. Robert Huber, Supervisor
October 1, 2021
Page 2

3. With respect to the creamery/two story residence, the Applicant team will be meeting with staff to review the previously submitted plans, page by page, reviewing them, identify any corrections or additions necessary, and resubmitting those with a new zone clearance application.

We believe with the foregoing occurring, along with other matters involving the property that can be addressed in like cooperative fashion, the entire matter can be resolved and it will not be necessary before your Board. But if coming back before your Board is necessary, at that point it would be, in our view, on one or two very limited issues, focused and for direction. We hope that will not be necessary and look forward to working with staff to resolve this unfortunate situation.

We request your Board's consideration for the continuance as requested to facilitate this process of resolution.

Thank you for your consideration in this matter.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

By: PETER A. GOLDENRING

PAG/sah
cc: Franca Rosengren (via email)
John Hecht (via email)
5150.200Board10-01-21

MEMORANDUM

October 21, 2021

To: John Hecht, President, Sespe Consulting, Inc.
Helen Eloyan, Sespe Consulting, Inc.
Tracy Cortez, Property Owner/Appellant
Billiwhack Appeal File PL20-0032

From: Franca Rosengren, Senior Planner
Winston Wright, Planning Manager

RE: Summary of October 19, 2021 Meeting
Billiwhack Ranch, Appeal Case No. PL20-0032
2275 Aliso Canyon Road, unincorporated area of Ventura

This memorandum is intended to document the October 19, 2021 meeting with County Planning staff, Winston Wright and Franca Rosengren, and the applicant, Tracy Cortez and her representatives, John Hecht and Helen Eloyan.

Planning staff provided the applicant and her representatives with a copy of the Zoning Clearance application instructions, which include the minimum requirements for site plans, floor plans and elevation plans. As noted in the meeting, the multiple sets of plans that the applicant brought to the meeting all had the same preparation date but were all different sets of plans. Also, the set of plans that the Planning Division had on file did not match any of the sets of plans that the applicant brought to the meeting.

Staff reviewed each page of corrections (pages A-1 through A-14 of the 6-11-2019 plans) with the applicant and her representatives, who took notes. Staff also provided a hard copy of staff's mark-ups to the plans to the applicant and her representatives. After the meeting, staff sent a digital copy of all the plan sheets referenced above to the applicant and her representatives via email.

The topics covered at this meeting included, but are not limited to, the corrections on the 6-11-2019 plans, a scope of work for a new Zoning Clearance application, a compliance agreement and the Cultural Heritage Board review.

Staff specified that the resubmitted plan set would need to include the interior floor plan of all buildings on the property with an accounting of the use of each space so that the various principal and accessory uses can be identified for the record. In addition, staff encouraged the applicant to include all of the planned improvements on the property, including all new interior partition walls, interior remodeling, exterior treatments like replacement windows and new openings, new or relocated plumbing, and any other

improvement that would require review and approval of any agency regulation related to use and/or health & safety.

New Zoning Clearance

The applicant and her representatives indicated that a new Zoning Clearance application would be submitted to partially abate Code Compliance Violation CV19-0100 by:

- (1) legalizing the unpermitted conversion of a 4,564 sq. ft. agricultural cow barn (Building 2) to an 1,800 sq. ft. farmworker dwelling unit and an 2,764 sq. ft. agricultural storage area with an interior wall separating the two uses.
- (2) legalizing the unpermitted exterior and interior improvements to the existing 17,000+sq. ft. gross floor area creamery building (Building 4) and converting the existing creamery building to a principle dwelling on the property.
- (3) converting the existing principle dwelling (Building H1) to an accessory dwelling unit by reducing the size of the existing building to a maximum of 1,800 sq. ft. gross floor area.
- (4) Installing a fence around the existing pool in compliance with the Building Code.

The applicant and her representatives confirmed that the outstanding violation regarding Building H2 (caretaker unit with walls and floor removed) would not be part of the new Zoning Clearance application. Building H2 would still be part of the open appeal PL20-0032 until a resolution regarding the upcoming Farmworker Dwelling Unit Ordinance is adopted by the Board of Supervisors and the appeal is heard and decided on by the Board of Supervisors.

Compliance Agreement

Franca Rosengren advised the applicant and her representatives that a compliance agreement would be prepared by staff to include specific direction and resolution for the violations set forth in Violation Case No. CV19-0100, and that a fee would be required to prepare the compliance agreement. The applicant and her representatives were advised that the compliance agreement will cover all the violations that exist on the property and will include the process to move forward with agreed upon milestones while the appeal is being held in abeyance. John Hecht indicated that a compliance agreement may not be needed. Franca Rosengren advised that the request to not prepare a compliance agreement would need to be discussed with management.

Cultural Heritage Board Review

Staff advised the applicant and her representatives that staff will review the new Zoning Clearance application and plans for compliance with the requirements Non-Coastal Zoning Ordinance and determine if the scope of work resolves the outstanding violations. If the outstanding violations would be abated by the new Zoning Clearance application, then staff will review the project with the Cultural Heritage Board planner to determine whether or not the scope of work requires a review by the Cultural Heritage Planner (by way of an administrative review) or by the Cultural Heritage Board. John Hecht requested to attend staff's meeting with the Cultural Heritage Planner. Staff indicated that it would schedule a meeting with the Cultural Heritage Planner and the applicant's representatives when that time comes. Staff advised that a current scope of work prepared by the Historian would be required to be included in a supplemental letter to the original Historic Resources Report prepared for the subject property.

Conclusion

Franca Rosengren advised the applicant and her representatives that she would be out of the office starting on October 20, 2021 and returning on November 1, 2021. Winston Wright also advised that he would be out of the office the week of October 25. John Hecht requested that a meeting be scheduled prior to the applicant's official submittal of the new Zoning Clearance application to make sure everything is in order before submitting new plans. Staff agreed.



November 16, 2021

Mr. Peter A. Goldenring, Esq.
Pachowicz | Goldenring
A Professional Law Corporation
6050 Seahawk Street
Ventura, CA 93003-6622

Also sent via email to: peter@gopro-law.com
tracy@racdb.com
jhecht@sespeconsulting.com

SUBJECT: Billiwhack Ranch Appeal

Appeal Case No. PL20-0032

Violation Case No. CV19-0100

2275 Aliso Canyon Road, unincorporated area of Ventura

Assessor's Parcel Numbers 064-0-130-125 and -145

Dear Mr. Goldenring:

The Planning Division agreed to postpone the October 5, 2021 Board of Supervisors appeal hearing, based on the mutual understanding that the property owner would resolve all but one of the violations by obtaining the necessary permits and approvals from the Planning Division, Building and safety Division, and the Cultural Heritage Board. The remaining violation concerning the partially demolished nonconforming farmworker dwelling unit would be held in abeyance until the zoning ordinance amendment governing farmworker dwelling units is heard and adopted by the Board of Supervisors in the next few months. After the adoption of the zoning ordinance amendment, the October 5, 2021 Board of Supervisors appeal hearing would be rescheduled to decide the outcome of the remaining violation.

In order to hold the remaining violation in abeyance and to confirm the property owner's commitment to resolving all outstanding violations, a compliance agreement is required. The compliance agreement would include milestones for abatement of all violations and consequences if milestones are not adhered to. The nonrefundable fee to prepare the compliance agreement is \$676. Please submit the required fee to the case planner, Franca Rosengren, by 5 p.m. on November 30, 2021.

Also in response to the property owner's request to continue the October 5, 2021 Board of Supervisors appeal hearing date, County Planning Division staff met with the property owner, Tracy Cortez, and her land use consultants, John Hecht and Helen Eloyan, on October 19, 2021, to review the appellant's plans and provide a clear understanding of

the requirements to abate the violations. The topics covered at this meeting included, but were not limited to, the corrections on the June 11, 2019 plans, a scope of work for a new Zoning Clearance application, the need for a compliance agreement, and the need for the full scope of work to go through the Cultural Heritage Board review process. This meeting was documented by Planning Division staff in a memorandum dated October 21, 2021 (attached), and sent to Mr. Hecht via email. At this meeting, Mr. Hecht requested a follow-up meeting before submitting the Zoning Clearance application. To date, Planning Division staff has not heard from Mr. Hecht in this regard. In an effort to move this issue to resolution, please contact Ms. Rosengren, the case planner, in the next two weeks to schedule a follow-up meeting.

If you have any questions about this letter, please contact Ms. Franca Rosengren at (805) 654-2045 or by email at Franca.Rosengren@ventura.org.

Sincerely,



Winston Wright, Manager
Permit Administration Section
Ventura County Planning Division

Attachment: October 21, 2021 Memorandum

c: Tracy and Rick Cortez, 3048 North Coolidge Avenue, Los Angeles, CA 90039 and via email
John Hecht, Sespe Consulting, Inc., via email
Franca Rosengren, Senior Planner, Planning Division
Dean Phaneuf, Supervisor, Code Compliance Division
Amanda Ahrens, Code Compliance Officer, Code Compliance Division
Maruja Clensay, Board Aide, Board of Supervisor Matt LaVere



COUNTY of VENTURA
Resource Management Agency

DAVE WARD
Director
Planning Division

MEMORANDUM

October 21, 2021

To: John Hecht, President, Sespe Consulting, Inc.
Helen Eloyan, Sespe Consulting, Inc.
Tracy Cortez, Property Owner/Appellant
Billiwhack Appeal File PL20-0032

From: Franca Rosengren, Senior Planner
Winston Wright, Planning Manager

RE: Summary of October 19, 2021 Meeting
Billiwhack Ranch, Appeal Case No. PL20-0032
2275 Aliso Canyon Road, unincorporated area of Ventura

This memorandum is intended to document the October 19, 2021 meeting with County Planning staff, Winston Wright and Franca Rosengren, and the applicant, Tracy Cortez and her representatives, John Hecht and Helen Eloyan.

Planning staff provided the applicant and her representatives with a copy of the Zoning Clearance application instructions, which include the minimum requirements for site plans, floor plans and elevation plans. As noted in the meeting, the multiple sets of plans that the applicant brought to the meeting all had the same preparation date but were all different sets of plans. Also, the set of plans that the Planning Division had on file did not match any of the sets of plans that the applicant brought to the meeting.

Staff reviewed each page of corrections (pages A-1 through A-14 of the 6-11-2019 plans) with the applicant and her representatives, who took notes. Staff also provided a hard copy of staff's mark-ups to the plans to the applicant and her representatives. After the meeting, staff sent a digital copy of all the plan sheets referenced above to the applicant and her representatives via email.

The topics covered at this meeting included, but are not limited to, the corrections on the 6-11-2019 plans, a scope of work for a new Zoning Clearance application, a compliance agreement and the Cultural Heritage Board review.

Staff specified that the resubmitted plan set would need to include the interior floor plan of all buildings on the property with an accounting of the use of each space so that the various principal and accessory uses can be identified for the record. In addition, staff encouraged the applicant to include all of the planned improvements on the property, including all new interior partition walls, interior remodeling, exterior treatments like replacement windows and new openings, new or relocated plumbing, and any other

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The applicant and her representatives confirmed that the outstanding violation regarding Building H2 (caretaker unit with walls and floor removed) would not be part of the new Zoning Clearance application. Building H2 would still be part of the open appeal PL20-0032 until a resolution regarding the upcoming Farmworker Dwelling Unit Ordinance is adopted by the Board of Supervisors and the appeal is heard and decided on by the Board of Supervisors.

Compliance Agreement

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Cultural Heritage Board Review

Staff advised the applicant and her representatives that staff will review the new Zoning Clearance application and plans for compliance with the requirements Non-Coastal Zoning Ordinance and determine if the scope of work resolves the outstanding violations. If the outstanding violations would be abated by the new Zoning Clearance application, then staff will review the project with the Cultural Heritage Board planner to determine whether or not the scope of work requires a review by the Cultural Heritage Planner (by way of an administrative review) or by the Cultural Heritage Board. John Hecht requested to attend staff's meeting with the Cultural Heritage Planner. Staff indicated that it would schedule a meeting with the Cultural Heritage Planner and the applicant's representatives when that time comes. Staff advised that a current scope of work prepared by the Historian would be required to be included in a supplemental letter to the original Historic Resources Report prepared for the subject property.

Conclusion

Franca Rosengren advised the applicant and her representatives that she would be out of the office starting on October 20, 2021 and returning on November 1, 2021. Winston Wright also advised that he would be out of the office the week of October 25. John Hecht requested that a meeting be scheduled prior to the applicant's official submittal of the new Zoning Clearance application to make sure everything is in order before submitting new plans. Staff agreed.

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

November 23, 2021

Via Email winston.wright@ventura.org
Mr. Winston Wright
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch Appeal
Case No.: PL20-0032

Dear Mr. Wright:

Thank you for your correspondence of November 16, 2021.

As you are aware, as I presume Ms. Rosengren has advised you, she has been in contact with Mr. Hecht's office and there is an upcoming meeting for presentation of the final plans and review with Ms. Rosengren. It is our understanding that will happen within approximately one week, being delayed only as a function of the Thanksgiving holiday.

Concerning the balance of your letter, it appears to make statements that are not consistent with our client's understandings nor your October 21, 2021 memorandum. For example:

1. Staff requested various information of items but did not require all of them in regard to the plans.
2. At the meeting, Ms. Rosengren indicated that a compliance agreement would be prepared. The applicant and applicant's representatives advised that a compliance agreement may not be needed. Ms. Rosengren indicated the matter needed to be reviewed with management. We are not aware that review took place and neither Mr. Hecht nor this office have been invited to any conversation on that subject. Whether or not a compliance agreement is required and if so, its scope, remain open for conversation and we invite a management conversation to include those appropriate persons within the County, Mr. Hecht and the undersigned.
3. Your letter suggests everything has to go through the Cultural Heritage Board. That statement is not consistent with the memorandum nor the conversations. The first step was for various matters to be reviewed by the person you identify in the memorandum as the Cultural Heritage planner. In the memorandum, staff indicated that a meeting with that individual would be scheduled and the applicant would be participatory in that conversation. Please identify who

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.7 - November 23, 2021 Letter
from Peter Goldenring to Winston Wright



Mr. Winston Wright
November 23, 2021
Page 2

that person is. We are not aware of any such meeting nor invitation to Mr. Hecht and the undersigned to participate in that meeting. Applicant's position remains as previously stated - we do not believe that much of anything is required to cycle back through the Cultural Heritage Board.

I trust you can see in reviewing your letter of November 16, 2021, that it is not consistent with either the substance nor tone of the memorandum because your letter makes a number of demands and asserts lack of follow through by applicant. Applicant has followed through. After the page by page review, the plans were prepared and have been going through an internal process of review to ensure that they are 100 percent compliant so that we do not do this again. Those plans will be coming on the table to staff shortly. At that point, we look forward to staff confirming within no longer than seven to ten days that the plans are consistent with the conversations and cover everything required as reviewed in the page by page review that took place. At that point, it seems to us that there should be a conversation with the Cultural Heritage planner that involves Mr. Hecht and myself, along with, as appropriate, the applicant, as well as a conversation with management about whether or not a compliance agreement is required and if so, scope and terms.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

By: PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Wright11-23-21

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

December 6, 2021

Via Email winston.wright@ventura.org and U.S. Mail

Mr. Winston Wright
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch Appeal
Case No.: PL20-0032

Dear Mr. Wright:

Your email of December 2, 2021 has been received. From this point forward I will send communications to you via email and regular mail to avoid any lack of receipt as you describe.

It is disconcerting to me to learn what occurred at the sit down recently. My notes are quite clear. Staff's position was that staff could not look at the various disputes and figure out how staff wanted everything to unfold (setting aside our client's views) without a "complete set of plans." Staff's position was this was the first step – get us a complete corrected set of plans. It was with this understanding that our clients met with staff, went through the prior of set of plans, identified each and every item that staff wanted, and then brought the plans back for review. As I understand it, the only direct comment of staff at that meeting was the request that the plans be dated. That will be accomplished.

What is not acceptable to our clients, given this long passage of time, is for our clients to now do what you are suggesting which is "resubmit a formal set of plans," pay the County money, files a new application, and then months and months later have back and forths around add this, change that, etc. The first step was to get to a definitive set of plans on the table and then from there the approvals can unfold.

Accordingly, we again request that we either have an agreement that the current set of plans, modified only by adding dating, are agreed as complete for now moving this matter forward or staff tells us in writing any discreet specific changes staff is requesting. There is no secret about the project and its various components. There does not need to be an application for staff to understand these. It has been on the table now for a very long time.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.8 - Letter from Peter
Goldenring to Winston Wright



Mr. Winston Wright
December 6, 2021
Page 2

I should add that if staff comes back, in short order, and anything other than "add dating" is in the list, short of very minor items, we will be needing to meet with you and upper management because that was all to have come on the table at the prior meeting.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

By: PETER A. GOLDENRING

PAG/sah
cc: Dave Ward (via email)
John Hecht, jhecht@sespe.com
Wright12-06-21

Rosengren, Franca

From: Ward, Dave
Sent: Wednesday, December 22, 2021 6:03 PM
To: Goldenring, Peter; Juachon, Luz
Cc: John Hecht; Sally Hall; Rosengren, Franca; Wright, Winston
Subject: RE: Billiwhack Ranch
Attachments: Goldenring Invoice - 08-27-21 PRA.pdf

Hello Mr. Goldenring –

Communications have occurred with John Hecht on Friday December 9th, 2021 since he was the representative actively working with my staff during the past several months to address the project plans. This effort was productive which is why the communication from your office (dated December 6, 2021) that the process is not being followed is confusing. Mr. Hecht and I spoke and he indicated “the process is being addressed by your office while the plans are being addressed by his office”. That had never been described in any of the meetings with staff; please note the process and review of plans cannot be happening separately from each other. Mr. Hecht indicated he spoke with you later that day on December 9th and a meeting, to be in person, was requested. I explained the challenges of holding said meeting due to my unexpected family item which occurred December 12-16th, and the following two weeks with key staff away due to vacations/holidays. Mr. Hecht understood this. I can arrange for one meeting on Tuesday, December 28th at 11 am to include Winston Wright and myself, or if we seek the full project team, another date after January 3rd would need to be selected. Please advise which you seek by communicating with Luz Juachon my assistant (included in this email).

In advance of the meeting, please note we have described previously what will need to be part of the process since your request is to hold the current Zone Clearance ZC19-0684 for appeal before the Board of Supervisors. This means this zone clearance cannot be acted upon at all. As requested staff worked with Mr. Hecht’s staff on addressing accurate plans for processing – which means this set of plans can only be acted upon as a new zone clearance.

Below is a bullet point list of the next actions that need to occur to keep the Billiwhack violation/appeal case moving forward to resolution:

- PRA costs incurred responding to your August 27, 2021 records request must be paid (see attached invoice)
- Applicant submits a Compliance Agreement preparation fee of \$676.
- Revise plans to show the correct preparation date and clearly note that all violations of CV19-0100 will be abated and only Building H2 remains part of the appeal of the denial of ZC19-0684, which will be decided at a future Board of Supervisors hearing.
- Applicant submits a new Zoning Clearance application with new scope of work and appropriate review fee via Citizen’s Access.

This bullet list will serve as the agenda topics. If you have other topics to address please provide those in advance.

Alternatively to holding a meeting, you can file the items above and staff will commence our review and processing.

Please note, I am away for the holidays Thursday through Monday.

Happy Holidays,

Dave Ward, AICP
Planning Director
dave.ward@ventura.org

Ventura County Resource Management Agency | Planning Division
P. 805.654.2481 | F. 805.654.2509
800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1740
Additional Planning Division information is available online at vcrma.org/divisions/planning
For online permits and property information, visit [VC Citizen Access](#)



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Sally Hall <sally@gopro-law.com>
Sent: Wednesday, December 22, 2021 9:14 AM
To: Ward, Dave <Dave.Ward@ventura.org>
Cc: Goldenring, Peter <peter@gopro-law.com>; John Hecht <jhecht@sespeconsulting.com>
Subject: Billiwhack Ranch

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

Attached is correspondence to you in this matter.

Sally Hall, Legal Secretary
to Peter A. Goldenring, Esq.
Pachowicz | Goldenring
A Professional Law Corporation
Telephone: (805) 642-6702
Facsimile: (805) 642-3145

Any attorney related inquiries should be directed to: attorneys@gopro-law.com - Thank you.

CONFIDENTIALITY NOTICE: This communication and any accompanying document(s) are confidential and privileged. They are intended for the sole use of the addressee. If you receive this transmission in error, you are advised that any disclosure, copying, distribution, or the taking of any action in reliance upon the communication is strictly prohibited. Moreover, any such inadvertent disclosure shall not compromise or waive the attorney-client privilege and/or the attorney-work product privilege as to this communication or otherwise. If you have received this communication in error, please contact Pachowicz Goldenring A PLC: 805-642-6702.



COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY
KIMBERLY L. PRILLHART
Agency Director

October 7, 2021

Mr. Peter A. Goldenring, Esq.
6050 Seahawk Street
Ventura, CA 93003

Via email: peter@gopro-law.com

SUBJECT: Billiwhack Ranch
Public Records Act Request dated August 27, 2021

Dear Mr. Goldenring:

This letter is related to your Public Records Act ("PRA") request dated August 27, 2021, seeking 18 categories of records relating generally to the Ventura County Cultural Heritage and Non-Coastal Zoning Ordinances and Billiwhack Ranch. As stated in my correspondence dated September 7, 2021, pursuant to Ventura County Ordinance No. 4339, the cost for providing a copy of any record is: (1) the approved per-page charge for copying (\$0.305 cents per page for 8½ x 11 copy paper); (2) the hourly costs of locating, retrieving, reviewing, preparing, copying, and furnishing records at the lower of the actual hourly rate of the employee doing the work, or \$24 per hour, less costs for the first two hours; and (3) all other costs incurred including mailing and shipping charges.

On September 24, 2021, the third and final transmittal of records responsive to your PRA request was completed. Under the 2006 Ventura County Ordinance 4339, the charge for staff research and scanning time is \$171.60. A breakdown of costs is as shown in the following table.

Staff Cost		
Total Hours	9.15	
Rate	\$ 24.00	
Sub-Total	\$ 219.60	
Less 2 Hrs	\$ 48.00	
Total Staff Cost		\$ 171.60
Paper Cost		
Total Pages	0	
Cost per Page	\$ 0.03	
Total Paper Cost	0	\$ 0
GRAND TOTAL		\$ 171.60

Please send a check payable to County of Ventura, 800 S. Victoria Avenue, L#1700, Ventura, CA 93009, Attention: Dillan Murray, Assistant Planner

Should you have any questions, please contact me at (805) 654-5042 or via email at Dillan.Murray@ventura.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dillan Murray', with a stylized flourish extending from the end.

Dillan Murray
Assistant Planner
Ventura County Planning Division

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

January 27, 2022

Via Email dave.ward@ventura.org

Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch

Dear Mr. Ward:

Under separate cover, submissions will be made shortly for Zoning Clearance Ministerial Permits and we refer you to those documents. This correspondence is independent of those. Our client is entitled to refunds from the County of Ventura as follows:

1. Our client had an early plan check agreement with the County which, to my understanding, is dated December 20, 2021 involving plan check for an interior remodel. The same day, a correction notice was issued by the same planner indicating that the project could not be approved. I emphasize the same day. Even though the planner rejected the project the same day, our client did not receive the notice until about a month later when our client's representative asked about status. The notion that our client paid \$3,258.65 to have a matter expedited while clearly the County was already in a position to reject the project is unacceptable. I will not further characterize this but reserving the right to do so in the future, the \$3,258.65 must be refunded.

2. In the July 17, 2020, denial of the electrical clearance and ADU clearance, the County represented that it would be refunding two fees paid. This is at page five of the referenced document. These amounts are \$286 and \$589 for a total of \$875. Our client is not aware of ever receiving those refunds.

We ask that the County issue reimbursement checks to our client in the above stated amounts forthwith. The checks may be forwarded to this office, payable to our client, for transmittal to our client. There are other monetary claims that we believe to be appropriately asserted and thus no other claims are waived hereunder.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.10 - January 27, 2022 Letter
from Peter Goldenring to Dave Ward



Mr. David Ward
January 27, 2022
Page 2

Please confirm the refunds will issue within the next 30 days.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

PAG/sah
cc: John Hecht, jhecht@sespeconsulting.com
Ward1/27/22

By: PETER A. GOLDENRING

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

February 7, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch

Dear Dave:

Please accept this correspondence in furtherance of the above referenced. As your file will reflect, we have a number of concerns with respect to how staff is choosing and has chosen to handle/mishandle this matter. This has been going on far too long and our clients have been considerably damaged as a result thereof. Accordingly, without waiving any rights, claims or entitlements of our clients, all of which are reserved whether enumerated herein or not, and making any payments and proffering submissions as set forth in this letter under protest and reserving all rights associated therewith, we provide you with this letter the following:

1. Zoning Clearance Application. This Zoning Clearance Application is consistent with the communications to the Board of Supervisors as a process to "get this done" as set forth hereinafter. As such, we wish to make clear that the Zoning Clearance Application is ministerial and our client does not consent to public hearings or submissions other than as expressly set forth herein. With respect to the Zoning Clearance Application, this ministerial approval properly includes the following:

A. Building 4 – conversion of an existing structure for uses of primary dwelling unit, including interior/exterior remodel. This is accompanied by a check for \$384 for the fee associated therewith.

B. Building 2 – confirmation of an existing 4,564 square foot structure, of which 1,933 square feet (existing) will be designated as farmworker dwelling units. This may include an interior/exterior remodel. This is accompanied by a check for \$50 for the construction additional structure fee.

C. Installation of a 6-foot fence to enclose the existing historic pool. This already exists but nonetheless to avoid any dispute, we enclose a \$50 check for construction additional structure fee for clearance on the existing fence.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.11 - February 7, 2022 Letter
from Peter Goldenring to Dave Ward



2. Building H1 - with respect to this structure, we do not believe a zoning clearance application is necessary. This is the structure that staff seeks to have converted into a "U" shaped structure contrary to the historic records. We provide you the following with this letter:

a. Residential building record for this structure from the Ventura County Assessor's office. This structure is identified as being constructed in 1926. It is 2,352 square feet consisting of a living room, a dining room and five bedrooms, plus a kitchen. Page two of the Assessor record (you can view the originals at the Assessor's office) confirms that the property is rectangular in shape.

b. Photometric analysis of the subject structure. This photometric analysis is from photographs taken February 11, 1960, confirming the grandfathered condition. When you look at the photometric analysis, you will see that the shadows and configuration of the property confirm that the property is not "U" shaped.

Accordingly, Building H1 is grandfathered in, exempt from current zoning constrictions or restrictions and is required to be retained in its current configuration.

3. The only structure not included within this ministerial Zoning Clearance Application is the H2 structure (Violation 1.a.) The assertion of the violation continues to be disputed and we understand that further discussion may need to take place relative to the definitive expeditious focused path to clear to this technical violation.

By this letter we believe as a ministerial matter all violations identified as Paragraph 1, items A-D are resolved through the submission of this Zoning Clearance Application and the check in the total amount of \$484. We understand that there may be staff time that will be billed for implementation of the Zoning Clearance Application and when those bills are received, they will be paid under protest.

I respectfully remind you and your staff that the plans have previously been approved, reviewed and no further comments received from staff. We believe all the plans are definitively in place. We further respectfully remind the County of Ventura that it is engaged in a wholesale destruction of historic records. This destruction has been documented through appropriate Public Records Act requests and has included destruction by the Ventura County Assessor's office, the Ventura County Tax Collector, the Ventura County Planning Division and the Ventura County Building Department. That better records may be sought by staff, for example with respect to H1, those better records to satisfy staff do not exist is solely the fault of the County of Ventura. Our client has unambiguously documented that the H1 structure dates back to 1926 and as of 1960 by photometric analysis was in exactly the same condition and configuration as it is currently and indeed earlier by the Ventura County Assessor. Therefore, this building by right is entitled to

Mr. David Ward
February 7, 2022
Page 3

remain in its current configuration. Thus, it is not subject to the need of a ministerial zone clearance application.

We request that you direct staff to administratively process the enclosed forthwith. In the meantime, we are prepared to discuss the one remaining matter and an agreed upon path for resolution as above described.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

By: PETER A. GOLDENRING

PAG/sah
cc: John Hecht, jhecht@sespeconsulting.com
Ward02-07-22

RESIDENTIAL BUILDING RECORD

ADDRESS 2275 ALISO CYN RD

ZIP CODE 92060

PARCEL 067-0-130-042

SHEET 2 OF 8

SHEET

DESCRIPTION OF BUILDING

CLASS/SHAPE		CONSTRUCTION		STRUCTURAL		EXTERIOR		ROOF		LIGHTING		AIR CONDITION		ROOM AND INTERIOR FINISH DETAIL									
ARCHITECTURE	Light	Sub-Standard	Frame	Stucco on	Floor	Applch	Wiring	Sheeting	Forced	Cooling	Rooms	Floors	Floor Finish	Trim	Walls	Ceiling							
Stories	Special	Concrete	Concrete	Shingle	Shed	Dormers	Refr.	Fixtures	Chang	Wall Unit	Gravty	Humid	All	X	X	X							
2	Standard	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X							
Use	Design	Foundation	Adobe	Shingle	Shake	Dormers <td>Refr.</td> <td>Fixtures</td> <td>Chang</td> <td>Wall Unit</td> <td>Gravty</td> <td>Humid</td> <td>All</td> <td>X</td> <td>X</td> <td>X</td>	Refr.	Fixtures	Chang	Wall Unit	Gravty	Humid	All	X	X	X							
Double	X	Concrete	Floor Joist	Shingle	Shake	Dormers	Refr.	Fixtures	Chang	Wall Unit	Gravty	Humid	All	X	X	X							
Duplex	X	Reinforced	2nd	Shingle	Shake	Dormers	Refr.	Fixtures	Chang	Wall Unit	Gravty	Humid	All	X	X	X							
Apartment	X	Brick	Sub-Floor	Shingle	Shake	Dormers	Refr.	Fixtures	Chang	Wall Unit	Gravty	Humid	All	X	X	X							
Flat-Court	X	Wood	Concrete Floor	Shingle	Shake	Dormers	Refr.	Fixtures	Chang	Wall Unit	Gravty	Humid	All	X	X	X							
Motel	X	Piers	Concrete Floor	Shingle	Shake	Dormers	Refr.	Fixtures	Chang	Wall Unit	Gravty	Humid	All	X	X	X							
Units	Light	Heavy	Insulated Ceilings	Insulated Walls	Tile	Tile	Tile	Tile	Tile	Tile	Tile	Tile	Tile	Tile	Tile	Tile							
CONSTRUCTION RECORD																							
Permit	Amount	Date	EFFEC. YEAR	APPR. YEAR	NORMAL % GOOD	RATING (E, G, A, F, P)																	
No.	For		1926	1924	48	12	8-50	38	A	A	A	A	A	A	A	A							
COMPUTATION																							
Appraiser & Date	Area	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost	Unit Cost							
Res.	2352	13.75	32340																				
P. /																							
P. /																							
A.C.																							
F.P.																							
Gar.																							
F.W.																							
TOTAL			32340																				
NORMAL % GOOD			38																				
R.C.L.N.D			12290																				

SPECIAL FEATURES

Exhaust Fan	Disposal	Built-in Ref.

BATH DETAIL

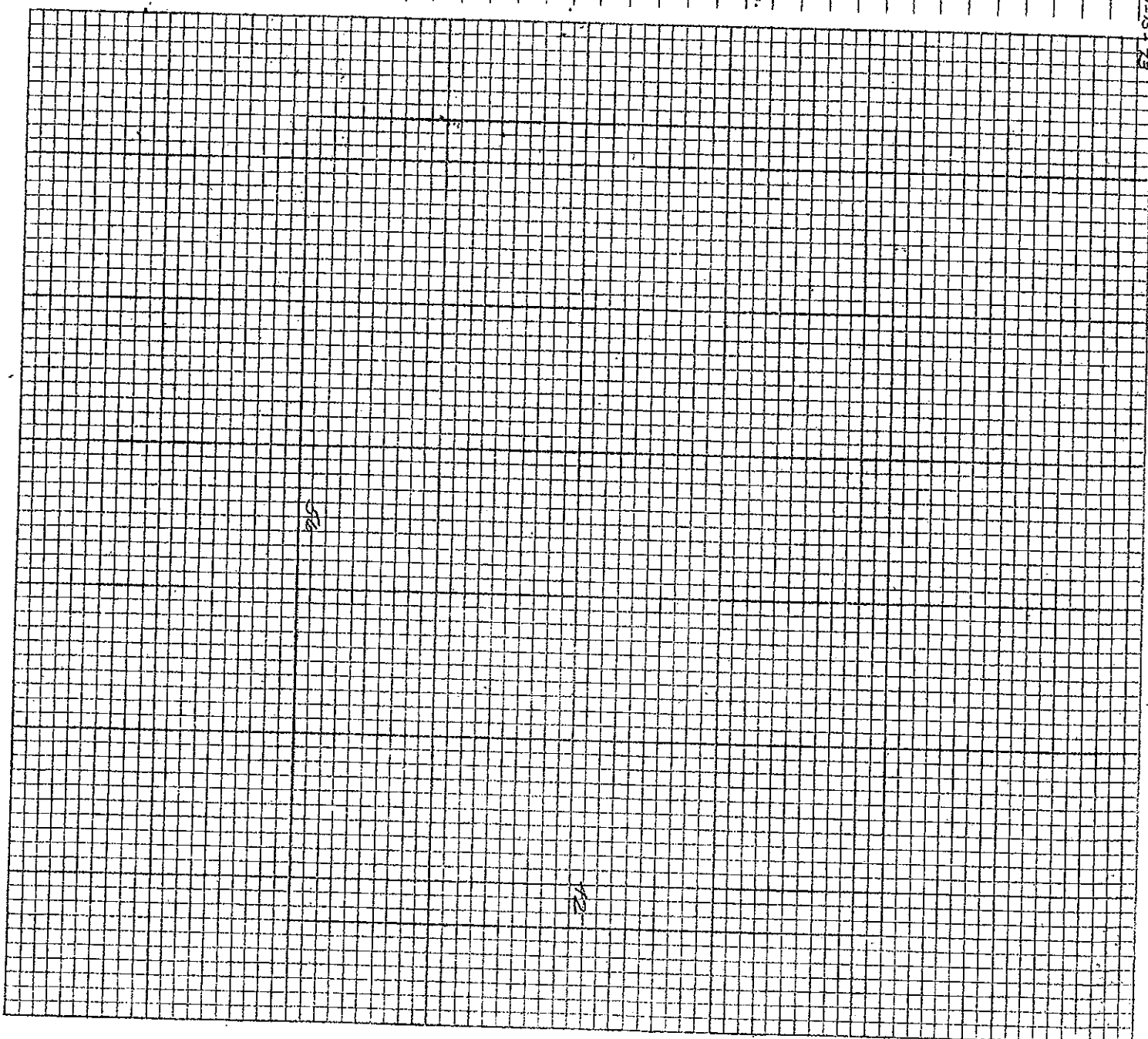
FI. No	Floors	Walls	Fixtures	Shower
1	En. Tl.	2	W L T	Type Grade
1	Ar. X	X	1	1

WUENEN, WUENEN, WUENEN

[illegible]

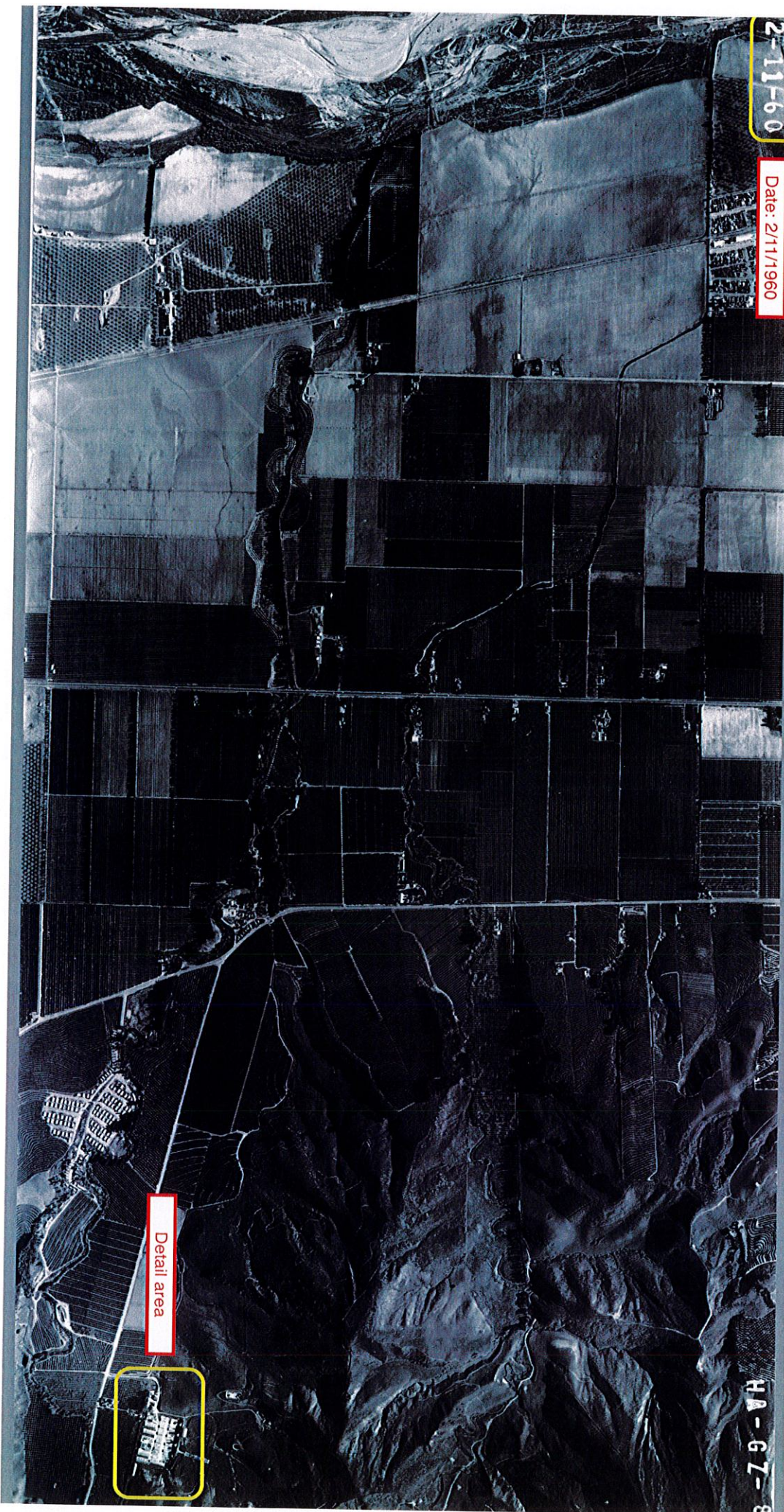
My 18th

COMPUTATIONS

$$56 \times 42 = 2352$$


2-11-60

Date: 2/11/1960



Detail area

HA-6Z-8



If the center of the U was not filled in with a roof, there would be a shadow much longer than is seen.

Shadows cast by every structure. This structure is a cow shed and is shorter than Bldg H1.

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

February 11, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch

Dear Mr. Ward:

After I forwarded to you our correspondence of February 7, 2022 with enclosures, I given to understand that on February 9, 2022 Mr. Wright indicated that he had read my correspondence to you and stated in response thereto that "barn conversions of more than 1,800 square feet are not allowed." First, we would appreciate your providing any citation to any ordinance in that regard. Secondly, that statement is disconnected from the reality which is that these buildings go back to the 1920's, are established as preexisting current zoning and therefore are unambiguously vested and grandfathered by right. It does not appear that Mr. Wright is at all looking at the evidence both submitted by our clients directly and through this office, as well as the county records, nor considering the wholesale destruction of historic county records by the county itself. It is incumbent upon staff to do so, and promptly, given this long outstanding project. If it is a fundamental proposition of staff that it does not accept the law of vested rights given the history of these building and this property and the evidence established, and wishes only apply current zoning irrespective of the grandfathered nearly 100 year old status of these structures, then please tell me and we will ask that it be promptly presented to the Board of Supervisors on that issue because that obstruction is simply is contrary to *inter alia*, good public policy, the unambiguous policy of the Board of Supervisors to preserve and maintain historic structures, and our clients' legal rights.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.12 - February 11, 2022 Letter
from Winston Wright to Peter Goldenring



Mr. David Ward
Re: Billiwhack Ranch
February 11, 2022
Page 2

I look forward to your prompt written response.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

Dictated but not read to expedite delivery

By: PETER A. GOLDENRING

PAG/ea
Ward2/11/2022



February 14, 2022

Mr. Peter A. Goldenring, Esq.
Pachowicz | Goldenring
A Professional Law Corporation
6050 Seahawk Street
Ventura, CA 93003-6622

Also sent via email to: peter@gopro-law.com
tracy@racdb.com
jhecht@sespeconsulting.com

SUBJECT: Response to Peter Goldenring's January 27, 2022 Letter Concerning Permit Fees, Billiwhack Ranch

Appeal Case No. PL20-0032

Violation Case No. CV19-0100

2275 Aliso Canyon Road, unincorporated area of Ventura

Assessor's Parcel Numbers 064-0-130-125 and -145

Dear Mr. Goldenring:

The Planning Division is in receipt of your January 27, 2022, letter to the County Planning Director, Dave Ward, requesting refunds for building plan check fees and zoning permit processing fees related to the Billiwhack Ranch.

Item No. 1 of your January 27, 2022, letter mistakenly states that an Early Plan Check Agreement for Zoning Clearance application ZC19-1390 was entered into with the County on December 20, 2021, for the remodel of Building No. 4. Please note the correct date of this agreement was December 20, 2019. Your letter includes a request for a refund of the Building and Safety plan check fees for Building Plan Check No. C19-001283 in the amount of \$3,258.65. Because this is a Building and Safety fee for building plan check and was collected by their division, you need to contact their division directly regarding a refund of these fees. Please contact Mr. Matt Wyatt, Building and Safety District Manager, at Matt.Wyatt@ventura.org or by phone at (805) 654-5132.

In regard to Item No. 2 of your letter, the refunds for Zoning Clearance applications ZC20-0420 and ZC20-0503 are currently being processed (i.e., a refund of \$286 and \$589, respectively). We apologize for the delay. Both of these applications were paid by credit card payment and we will commence with processing the refund to the payee on

file. If you have any questions about the status of these refunds, please contact Anne Clayton, Fiscal Analyst, at Anne.Clayton@ventura.org or by phone at (805) 654-3670.

Sincerely,



, for

Winston Wright, Manager
Permit Administration Section
Ventura County Planning Division

c: Tracy and Rick Cortez, 3048 North Coolidge Avenue, Los Angeles, CA 90039 and via email
John Hecht, Sespe Consulting, Inc., via email
Franca Rosengren, Senior Planner, Planning Division
Dave Ward, Planning Director, Planning Division



March 3, 2022

Mr. Peter A. Goldenring, Esq.
Pachowicz & Goldenring
A Professional Law Corporation
6050 Seahawk Street
Ventura, CA 93003-6622

Also sent via email to: tracy@racdb.com,
jhecht@sespeconsulting.com
heloyan@sespeconsulting.com
peter@gopro-law.com

Subject: Response to Peter Goldenring's February 7 and 11, 2022 Letters Concerning BilliwHack Ranch

Appeal No. PL20-0032

Violation Case No. CV19-0100

2275 Aliso Canyon Road, unincorporated area of Ventura

Appeal Case No.: PL20-0032

Dear Mr. Goldenring:

This letter is in response to your February 7 and 11, 2022 letters concerning the Zoning Clearance application process to resolve the Code Compliance violations (Case No. CV19-0100) located on the property at 2275 Aliso Canyon Road, unincorporated area of Ventura (BilliwHack Ranch).

At your request and with the assurance that the property owner would resolve all but one of the violations set forth in Violation Case No. CV19-0100 by obtaining the necessary permits and approvals from the Planning and Building & Safety Divisions and the Cultural Heritage Board under a Compliance Agreement, the Planning Division agreed to postpone the October 5, 2021 Board of Supervisors appeal hearing. Planning Division staff has met with the property owner and her consultant (Sepse Consulting) on two separate occasions (on October 19, 2021 and December 2, 2021) since the postponement of the appeal hearing. At the December 2, 2021 meeting, Planning Division staff reminded the property owner that a Compliance Agreement is required in order to hold the remaining violation in abeyance while in process of abating the other violations. To date, the property owner has not entered into a Compliance Agreement (which has delayed their submittal of a Zoning Clearance application, Cultural Heritage Board review process, and resolution of the violations).

To keep the process moving forward for resolution, please provide the case planner, Franca Rosengren, a nonrefundable compliance agreement fee of \$676 by 4:00 p.m. on Thursday, March 10, 2022. As explained previously, the Compliance Agreement will include milestones for abatement of *all* violations and consequences if milestones are not adhered to. If the property owner does not submit the fee and enter into a compliance agreement by the above-specified deadline, the Planning Division will reschedule the appeal hearing before the Board of Supervisors.

Below are the Planning Division's comments to your February 7 and 11, 2022 letters:

- You mention throughout your February 7, 2022 letter that "this is accompanied by a check for [a specific amount] for the fee associated therewith." However, the emailed letter was not accompanied by any checks. Please clarify.
- Under Item 1.B. of your February 7, 2022 letter, you state that the existing 4,565-sq. ft. structure will be partially converted to a 1,933-sq. ft. farmworker dwelling unit. However, as explained on several occasions (including in the August 27, 2020 Planning Commission Staff Report), a ministerial farmworker dwelling unit cannot exceed 1,800 sq. ft. gross floor area. If the property owner proposes to exceed the 1,800-sq. ft. ministerial size limit, a Planning Director-approved Conditional Use Permit is required pursuant to the Non-Coastal Zoning Ordinance (NCZO) section 8107-26.2. This response also addresses your comments in your February 11, 2022 letter concerning the conversion of an agricultural structure to a farmworker dwelling unit.
- Under Item 1.C. of your February 7, 2022 letter, you indicate that the Zoning Clearance application will include a pool security fence. This fence is part of the Code Compliance Violation No. CV19-0100. If the pool fencing is 6 feet high or less, the Planning Division would not review it, so no fee is required. However, a building permit is required from the Building and Safety Division.
- Under Item 2 of your February 7, 2022 letter, you state that you believe a Zoning Clearance application is not necessary to convert the existing single-family dwelling (Building H1) to an accessory dwelling unit. You further explain that the current shape of Building H1 has remained the same since its construction in 1926. Please note that the shape of Building H1 is not being contested, but rather the allowable size of the proposed accessory dwelling unit conversion. As you indicated, Building H1 is 2,352 sq. ft. consisting of a living room, dining room, kitchen, and five bedrooms. The conversion of this building into an accessory dwelling unit must meet the accessory dwelling unit regulations of NCZO section 8107-1.7.2 (a), which allows a detached accessory dwelling unit of up to 4 bedrooms and a gross floor area of 1,800 sq. ft. in the Agricultural Exclusive (AE) Zone for lots 10 acres or more in size. For these reasons, Building H1 is

required to be reduced in size to meet the current ordinance regulations of NCZO section 8107-1.7.2(a).

This information has been provided to your client and her consultants on multiple occasions, including in the August 27, 2020 Planning Commission Staff Report. Because the property owner proposes to convert the approximately 17,000 gross floor area “creamery” to a principal single-family dwelling, the only existing single-family dwelling on the property is required to be redesignated and converted to an accessory dwelling unit. Two principal single-family dwellings are not allowed in an AE Zone pursuant to NCZO section 8105-4. The conversion of the “creamery” and the accessory dwelling unit conversion are tied together. The Zoning Clearance application fee for an accessory dwelling unit is \$589.

- Under Item 3 of your February 7, 2022 letter, you confirm that the demolished structure (Building H2) is not part of the Zoning Clearance application and is still being disputed by the property owner under Appeal No. PL20-0032. Again, unless a compliance agreement is entered into, the Planning Division will not issue a Zoning Clearance to resolve the other outstanding violations since a Zoning Clearance cannot be issued if there is a violation on the property pursuant to NCZO section 8111-1.1.1(b)(4).
- The second to last paragraph on page 2 of your February 7, 2022 letter indicates that “[b]y this letter we believe as a ministerial matter all violations identified in Paragraph 1, items A-D are resolved through the submission of this Zoning Clearance Application and the check in the amount of \$484.” Planning staff could not find reference to item D in your letter. This may be a typographical error. Additionally, the violations as set forth in Code Compliance Violation Case No. CV19-0100 would be considered resolved only once the building permits are finalized, the Code Compliance Division verifies violations are resolved, and the Code Compliance Division enforcement fees are paid in full. The Zoning Clearance application fees you reference appear to be correct, excluding the \$50 pool fencing fee and including the \$589 accessory dwelling unit conversion fee, for a total of \$1023.00. Please note that once we have a formal Zoning Clearance application and scope of work, Planning staff will verify that all of the appropriate Zoning Clearance application fees have been collected. Also, there will be a separate fee for the Cultural Heritage Board review process.
- The last paragraph on page 2 of your February 7, 2022 letter states that “the plans have previously been approved, reviewed and no further comments received from staff.” This statement is not accurate. Planning Division staff have not approved any plans for a Zoning Clearance. Planning Division staff met with the property owner and her consultant, Helen Eloyan, on December 2, 2021, and provided a cursory review of the plans and application. You were neither in attendance at this meeting nor the prior October 19, 2021 meeting with the property owner. During staff’s cursory review of the plans, staff pointed out that there was a concern that the size of the accessory dwelling unit conversion would not meet the regulations of the NCZO. As this was only a cursory

review of the project plans, staff would conduct a thorough review once the application and revised plans (correctly dated) are formally submitted, and fees paid to the Planning Division.

The offer to meet with you and John Hecht was made per my attached email communication to you on December 22, 2021, with what actions your client would need to take. Instead, you have provided various letters to staff. Please be advised again that all of this information has been provided to your client on numerous occasions, including at the August 27, 2020 Planning Commission appeal hearing. Continuing to respond on what appears to be items we have addressed previously does not seem to be on a path for resolution. Therefore, to achieve resolution, please provide the case planner, Franca Rosengren, a nonrefundable compliance agreement fee of \$676 by 4:00 p.m. on Thursday, March 10, 2022. As explained previously, the Compliance Agreement will include milestones for abatement of *all* violations and consequences if milestones are not adhered to. If the property owner does not submit the fee and enter into a compliance agreement by the above-specified deadline, the Planning Division will provide you two date options to reschedule the appeal hearing before the Board of Supervisors.

If you have any questions, please contact the case planner, Franca Rosengren, at Franca.Rosengren@ventura.org or by phone at (805) 654-2045.

Sincerely,



Dave Ward, AICP, Director
Ventura County Planning Division

Attachment: Peter Goldenring's February 7 and 11, 2022 Letters
August 27, 2020 Planning Commission Staff Report
December 22, 2021 Email to Peter Goldenring from Dave Ward

C: Tracy and Rick Cortez, 3048 North Coolidge Avenue, Los Angeles, CA 90039 w/attachments
John Hecht, Sespe Consulting, Inc.
Franca Rosengren, RMA, Planning Division
Dean Phaneuf, RMA, Code Compliance Division
Amanda Ahrens, RMA, Code Compliance Division
Maruja Clensay, Board Aide, Board of Supervisor Matt LaVere

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

March 8, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch

Dear Mr. Ward:

Thank you for your most recent correspondence. Concerning the March 10 date, I ask that it be extended for a week while we have a conversation. It has been my experience that in proposed compliance agreements the County asks for recitals and acknowledgments by the property owner of violations and other provisions that in this case we think will not be accurate nor palatable. Perhaps it would be possible to see what it is that you and your staff are thinking. I am not opposed to an agreement in terms of moving this matter forward on a timeline but it would need to be a timeline on both sides and it would need to have clarity as to the path forward to avoid misunderstandings.

Please advise at your earliest convenience.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

Dictated but not read to expedite delivery

By: PETER A. GOLDENRING

PAG:nc
Ward3/8/2022

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.15 - March 8, 2022 Letter
from Peter Goldenring to Dave Ward





March 10, 2022

Mr. Peter A. Goldenring, Esq.
Pachowicz & Goldenring
A Professional Law Corporation
6050 Seahawk Street
Ventura, CA 93003-6622

Also sent via email to: tracy@racdb.com,
jhecht@sespeconsulting.com
heloyan@sespeconsulting.com
peter@gopro-law.com

Subject: Response to Peter Goldenring's March 8, 2022 Letter Concerning the Compliance Agreement for Billiwhack Ranch

Appeal No. PL20-0032

Violation Case No. CV19-0100

2275 Aliso Canyon Road, unincorporated area of Ventura

Appeal Case No.: PL20-0032

Dear Mr. Goldenring:

This letter is in response to your March 8, 2022 letter concerning the required Compliance Agreement for the violations associated with the Billiwhack Ranch located at 2275 Aliso Canyon Road, unincorporated area of Ventura.

I grant your request for an additional week, until 4:00 p.m. on March 17, 2022, to submit the nonrefundable \$676.00 required Compliance Agreement fee. As explained previously, the Compliance Agreement will include milestones for abatement of *all* violations and consequences if milestones are not adhered to. If the property owner does not submit the fee by the above-specified deadline, the Planning Division will reschedule the appeal hearing before the Board of Supervisors.

Prior to meeting with you and your client about the contents of the Compliance Agreement, the required fee must be submitted. At that time, Planning Division staff will draft the compliance agreement in consultation with the Code Compliance Division and provide you and your client and opportunity to review and comment on it. Therefore, to achieve timely resolution, please provide the case planner, Franca Rosengren, a nonrefundable Compliance Agreement fee of \$676 by 4:00 p.m. on Thursday, March 17, 2022.

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.16 - March 10, 2022 Letter from
Dave Ward to Peter Goldenring

If you have any questions, please contact the case planner, Franca Rosengren, at Franca.Rosengren@ventura.org or by phone at (805) 654-2045.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Ward", with a stylized flourish at the end.

Dave Ward, AICP, Director
Ventura County Planning Division

Attachment: Peter Goldenring's March 10, 2022 Letter

C: Tracy and Rick Cortez, 3048 North Coolidge Avenue, Los Angeles, CA 90039
John Hecht, Sespe Consulting, Inc.
Franca Rosengren, RMA, Planning Division
Dean Phaneuf, RMA, Code Compliance Division
Amanda Ahrens, RMA, Code Compliance Division
Maruja Clensay, Board Aide, Board of Supervisor Matt LaVere

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

March 8, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch

Dear Mr. Ward:

Thank you for your most recent correspondence. Concerning the March 10 date, I ask that it be extended for a week while we have a conversation. It has been my experience that in proposed compliance agreements the County asks for recitals and acknowledgments by the property owner of violations and other provisions that in this case we think will not be accurate nor palatable. Perhaps it would be possible to see what it is that you and your staff are thinking. I am not opposed to an agreement in terms of moving this matter forward on a timeline but it would need to be a timeline on both sides and it would need to have clarity as to the path forward to avoid misunderstandings.

Please advise at your earliest convenience.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

Dictated but not read to expedite delivery

By: PETER A. GOLDENRING

PAG:nc
Ward3/8/2022

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980



PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

March 17, 2022

Via Email dave.ward@ventura.org and U.S. Mail (with check enclosed)

Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Billiwhack Ranch
Appeal No.: PL20-0032
Property: 2275 Aliso Canyon Road

Dear Mr. Ward:

Thank you for your flexibility in regard to our client's decision making concerning the path forward. Concerning this property, we want to emphasize that this is a historic property going back over 100 years. It is extremely frustrating to find your staff trying to fit a round peg in a square hole and, in effect, making it clear that a complete bulldozing of everything on the property would be far more expeditious and economic, thus destroying 100 year old buildings. We cannot understand the inflexibility of current staff handling this matter.

Given the positions that staff has articulated and reserving our client's rights, we advise, without prejudice, that:

1. Our client will enter into a compliance agreement. The terms are extremely important. I am emailing you this letter to avoid delay. The original of this letter is being sent by mail with our check in the amount of \$676 as you requested in your letter of March 10, 2022. The terms of the compliance agreement sought by the County are important and therefore, we look forward to a good faith conversation with whomever will be taking the lead in your department on this matter. As part of the compliance agreement, given the concerns that have arisen with respect to current processing and staff, we ask that the compliance agreement include consideration of an alternate staff team handling the matter.

2. Given how long this project has been languishing and without reiterating a number of the serious concerns from our client's perspective, we ask for confirmation as part of this that the application that previously was going to be submitted with the plans be accepted and staff start that processing. In other words, we do not want to see the project languish further while we work through the compliance agreement. Previously our client attempted to present the application, but your staff rejected it claiming that an application would not be accepted without the Compliance

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.17 - March 17, 2022 Letter
from Peter Goldenring to Dave Ward



Mr. David Ward
March 17, 2022
Page 2

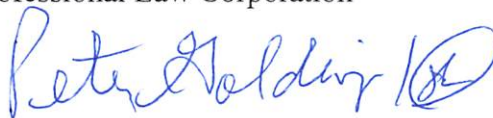
Agreement. There is no reason for that. Please confirm that an application with plans as previously presented to staff will be accepted.

3. We understand in this process that if our client at any time feels concerned about what is transpiring and the positions of staff, our client will have the right to abate the compliance agreement and ask that all pending matters or any issues associated with this process be presented promptly to the Board of Supervisors for direction to staff. As with all projects our client reserves the right to modify or alter the plan as the process proceeds.

I trust this framework will be acceptable and look forward to a process where this long outstanding property can finally move forward in its rehabilitation by our client.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

A handwritten signature in blue ink, appearing to read "Peter A. Goldenring", followed by a stylized circular mark.

By: PETER A. GOLDENRING

PAG/sah
Enclosure
Ward3/17/22

April 15th 2022

Mr. Dave Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009
Via Email dave.ward@ventura.org

Re: Billiwhack Ranch Zoning Clearance Application ZC20-0503 Denial, dated 7/15/2020

Dear Mr. Ward,

I'm writing today to assess the validity of the Denial Notice dated July 15, 2020, specifically for zoning clearance application ZC20-0503 Proposed Accessory Dwelling Unit Conversion at 2275 Aliso Canyon Road. Page 3 outlines "Project Consistency with State and Local Accessory Dwelling Unit Regulations" and I have found, through detailed research, that the reasons given for denial contradict State law. I have outlined my findings here and request that you carefully review and respond whether you conclude the same for each.

Denial reason 1: *"The proposed scope of work is located on property with a zoning designation of Agricultural Exclusive, 40-acre minimum lot six (AE-40ac) which is neither a residential or mixed-use zone in the County, and therefore, Government Code section 65852.2(e)(1)(i) is not applicable to the proposed accessory dwelling unit."*

Government Code Section 65852.2(e)(1) reads: "Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone..."

Accessory Dwelling Units are under the purview of the Housing and Community Development department. The HCD put out the [Accessory Dwelling Unit Handbook](#) to "...assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs." The handbook answers many frequently asked questions. On page 9, one of the FAQs is "Are ADUs allowed jurisdiction wide?" to which the HCD answers; "Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use."

Since the Billiwhack Ranch property zoning allows residential use by right, this reason for denial is incorrect.

Denial reason 2: *"In addition, the creamery building is not an "accessory structure" as defined by Government Code section 65852.2(j)(2)."*

County of Ventura Board of Supervisors Hearing PL20-0032 Exhibit 3.18 - April 15, 2022 Letter from Tracy Cortez to Dave Ward
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Government Code Section 65852.2(j)(2) reads: “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.”

The County has continued to label the building in question as ‘The Creamery’ based on its original use from the late 1920s to the early 1940s. Since that time, it has not been used as a Creamery. It has been used most of its life for manufacturing, among other uses, up until as late as the 1960s. The building has had no defined use since it ceased to be used as a Creamery. The County does not label other buildings as they were originally used, rather they label original cow barns as storage. The building descriptions are not consistent. The County currently appears to be considering the building as a Creamery in their denial. The building has no current defined use and therefore it is not a primary use on the property. It can only be viewed as an accessory use, like a barn or ag storage building.

The HCD’s Accessory Dwelling Handbook references accessory structures as follows:

- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2(j)(2). (page 6)
- The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. (page 11)
- The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. (page 16)
- The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. (page 16)

Additionally, historic preservation guidelines and the California Historic Building Code promote the granting of new uses to historic structures to encourage property owners to renovate, restore, rehabilitate, and reuse historic structures rather than demolishing them.

Because this structure has no defined use it is incidental to the primary dwelling (H1) on the lot and therefore fits the definition of an accessory structure. And because the HCD’s ADU Handbook outlines that an accessory structure can be of any size, and they provide the example of a 3,000 sf barn, this reason for denial is incorrect.

Denial reason 3: *“The request is also inconsistent with the County’s accessory dwelling unit provision under NCZO section 8107-1.7.1 et seq., which identifies the standards applicable to an accessory dwelling unit created within the existing space of a principal dwelling unit or accessory structure. These regulations allow certain accessory dwelling units in the OS and AE zones, but only within the existing space of a permitted principal dwelling unit, not in a detached agricultural accessory structure. (NCZO Sec. 8107-1.7.1(b).)”*

As noted in denial reasons 1 & 2 above, government code allows ADUs in residential and mixed-use zones where residential zones should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. Nowhere in the law does it limit ADUs in OE or AE zones. Further, the HCD ADU Handbook provides an example of an accessory structure of a 3,000 sf barn which is an allowed ADU. For these findings, this reason for denial is incorrect.

Denial reason 4: *“The accessory dwelling unit is proposed to be located on a lot outside of the County’s groundwater/traffic impact areas that is larger than 10 acres in size and therefore is allowed a detached accessory dwelling unit no larger than 1,800-sq. ft. pursuant to NCZO section 8107-1.7.2(a)(3), which reads: “[...] lots that are 10 acres or more in area are allowed an accessory dwelling unit with up to 4 bedrooms and a gross floor area of 1,800 square feet.”*

Under Government Code Section 65852.2(e)(1), there is no limit to the size of an accessory structure converted to an ADU. The HCD ADU Handbook, page 11, states “The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements.” Additionally, on the topic of bedrooms, page 13, the handbook states “State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs.” This reason for denial is incorrect.

Violation: Finally, with regards to the violation case no. CV-19-0100, government code 65852.2(e)(D)(2) states “A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions.” Therefore, correction of violations should not prevent or delay the issuance of an approval for an ADU.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cortez", with a stylized flourish at the end.

Tracy Cortez

Tracy Cortez · Billiwhack Ranch · 3048 N Coolidge Avenue, Los Angeles, CA 90039 · (213) 308-0015

April 15th 2022

Mr. Dave Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009
Via Email dave.ward@ventura.org

Re: Billiwhack Ranch return to Prior Use

Dear Mr. Ward,

The California Historic Building Code provides for historic properties to return to a prior use under section 8-302.2:

8-302.2 Change in Occupancy

The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

I have spoken to Derek Shaw, Executive Director of the State Historical Building Safety Board, on allowing our property to return to an historical use. He stated we were entitled and that we can return to any use in history.

I would like for you to send me the County's protocol for returning a qualified historic property to a prior historic use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy Cortez', with a stylized, cursive script.

Tracy Cortez

From: [Rosengren, Franca](#)
To: [Tracy Cortez](#); [Tracy Cortez](#); [Goldenring, Peter](#)
Cc: [Wright, Winston](#); [Ward, Dave](#); [Leeper, Doug](#); [Rosengren, Franca](#)
Subject: Billiwhack Violations Compliance Agreement
Date: Thursday, April 21, 2022 12:10:33 PM
Attachments: [4.21.22 Billiwhack CA.docx](#)
[Exhibit A.pdf](#)
[image001.png](#)
[Exhibit B.pdf](#)

Hello Tracy and Peter,

Attached to this email is the prepared Compliance Agreement with Exhibits regarding the unabated violations of NOV CV19-0100. Ideally, staff requests that you provide us your comments in two weeks, but if you need additional time, please let us know. The Compliance Agreement has been provided to you in word format so that you may show your comments using track changes.

Please note that I will be out of the office the week of April 25 – 29. If you have questions during my absence, please contact Winston Wright at Winston.Wright@ventura.org or by phone at (805) 654-2468.

Sincerely,
Franca

Franca Abbatiello Rosengren | Senior Planner

Planning Permit Administration Section

Franca.Rosengren@ventura.org

Ventura County Resource Management Agency | Planning Division

P. 805.654-2045 | F. 805.654.2509

Additional Planning Division information is available at vcrma.org/planning

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

Pursuant to the California Public Records Act, emails retained by the County of Ventura may constitute public records subject to public disclosure.



County of Ventura Board of Supervisors Hearing PL20-0032 Exhibit 3.19 - April 21, 2022 Email from Franca Rosengren to Tracy Cortez and Peter Goldenring
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DRAFT COMPLIANCE AGREEMENT
CA22-0010

This Compliance Agreement (Compliance Agreement) is entered into by and between the PROPERTY OWNER identified below and the County of Ventura (COUNTY), and shall become binding and effective upon the date it is executed by the last of the parties hereto (Effective Date).

Property Owner: Billiwhack Ranch LLC

Property Address: 2275 Aliso Canyon Road, unincorporated area of Ventura County

Assessor's Parcel Nos.: 064-0-130-145

Violation Case No.: CV19-0100

Appeal Case No.: PL20-0032

RECITALS:

A. The following violations of the Non-Coastal Zoning Ordinance (NCZO) currently exist on the Property that are subject of the COUNTY's above-referenced Violation Case Number (Violations). The Violations are more particularly described in Notice of Violation CV19-0100 attached as Exhibit A hereto and incorporated herein by this reference:

1. Non-permitted modifications to a structure identified as "caretaker dwelling unit (Building H2)." The modifications include the removal of the attached carport, removal of the exterior and interior walls, removal of the plumbing, electrical, and mechanical systems, removal of the floor and slab. The amount of work completed has exceeded the threshold of 50% of the walls and 50% of the floors. The legal nonconforming use of the structure as a caretaker dwelling unit has been lost.
2. Non-permitted modifications to a structure identified as "creamery building (Building 4)." The modifications include the removal of interior walls, removal of plumbing, electrical, and mechanical systems. The structure has deteriorated ceiling, floor, wall and supports on all levels under the original location of the brine tank(s).
3. Non-permitted modifications to a structure identified as "caretaker dwelling unit (Building 2)." The modifications include the non-permitted conversion of storage building to a caretaker dwelling unit and office.
4. The large concrete pool structure is empty and does not have the required barrier.

B. PROPERTY OWNER is the liable and responsible party for such Violations pursuant to NCZO section 8114-3.6 et seq.

Notice of Violation CV19-0100

C. On June 25, 2019, COUNTY issued, and PROPERTY OWNER timely received, the Notice of Violation (Exhibit A) that provided sufficient notice and information to PROPERTY OWNER regarding each Violation, including the appeal rights available to PROPERTY OWNER under the NCZO;

D. PROPERTY OWNER did not file an appeal of the Notice of Violation and the time period for doing so has passed, making the Violations final and non-appealable; and,

E. On September 24, 2019, a Notice of Noncompliance was recorded against the Property for the unabated Violations stated in the Notice of Violation.

Zoning Clearance Application Nos. ZC19-0684 and ZC19-1390

F. On June 19, 2019, prior to the formal issuance of NOV CV19-0100, PROPERTY OWNER'S representative submitted to COUNTY a Zoning Clearance Application No. ZC19-0684 and a Ventura County Cultural Heritage Board (CHB) Certificate of Appropriateness (COA) Application No. CH19-0021¹ to be reviewed simultaneously to authorize after-the-fact unpermitted alterations to the historic property;

G. On July 9, 2019, COUNTY issued a correction notice to the property owner advising that in order to continue further review of Zoning Clearance Application No. ZC19-0684, additional information was needed regarding the legal nonconforming status of the caretaker dwelling unit (Building H2 identified on site plan), the proposed and existing uses for each building, the floor and elevation drawings for each building, and the actual total acreage of crops on the property to verify the number of allowed farmworker dwelling units to verify compliance with the regulations of the NCZO;

H. On August 14, 2019, the PROPERTY OWNER submitted a separate Zoning Clearance Application No. ZC19-0896 (not part of Appeal Case No. PL20-0032) to authorize structural repairs to the creamery building (i.e., Building 4). On August 29, 2019, Zoning Clearance Application No. ZC19-0896, administrative COA No. CH19-0027, and Building Permit No. B19-000857 were issued to the PROPERTY OWNER specifically for the structural repair of the creamery building. Building Permit No. B19-000857 for the repair to the creamery building is still active and several building inspections have been conducted;

I. On December 19, 2019, PROPERTY OWNER submitted a second Zoning Clearance Application No. ZC19-1390 to request to separate-out the proposed interior remodel of the creamery building (i.e., Building 4) from the original Zoning Clearance Application No. ZC19-0684;

J. On December 20, 2019, PROPERTY OWNER'S representative requested and received an Early Plan Check Agreement from COUNTY for Zoning Clearance Application No. ZC19-1390 pending zoning approval of the project;

K. On February 13, 2020, COUNTY and PROPERTY OWNER'S representative met to discuss the unabated Violations;

L. On March 16, 2020, Code Compliance Division staff, Planning Division staff, and Building and Safety staff held a joint meeting with PROPERTY OWNER'S representative (the property owner was not present). COUNTY advised PROPERTY OWNER'S representative that the proposed project under Zoning Clearance Application No. ZC19-0684 was inadequate and that a revised project description

¹ COA Application No. CH19-0021 was ultimately denied by the CHB on September 9, 2019. The CHB did approve one aspect of the overall project – the stabilization and structural repair of a failing portion of the creamery building (i.e., Building 4 on the site plan) – which was approved by way of COA No. CH19-0027.

was needed to accurately reflect the existing and proposed uses in order to determine which land use entitlement(s) would be required for the new scope of work and to show compliance with the NCZO;

M. On April 2, 2020, the State Historical Building Safety Board advised PROPERTY OWNER'S representative that the buildings and structures identified in the County's Historical Resources Survey that were awarded a National Register Rating of 3D (appears to be eligible as a contributor to a National Register eligible district) would be considered Qualified Historical Buildings by definition of the California Historic Building Code (CHBC), and therefore those Qualified Historical Buildings would be eligible for use of the CHBC. Subsequently, on April 3, 2020, the Planning Director confirmed to PROPERTY OWNER that the CHBC applies to the buildings and structures that are considered Qualified Historical Buildings on the property;

N. On April 14, 2020, COUNTY issued PROPERTY OWNER a Zoning Clearance Denial letter for Zoning Clearance Application Nos. ZC19-0684 and ZC19-1390, which included detailed reasons for the denials and provided potential solutions to comply with the regulations of the NCZO;

O. On April 20, 2020, PROPERTY OWNER submitted a timely appeal of the Planning Director's decision to deny the Zoning Clearance Applications;

P. On August 27, 2020, a Planning Commission appeal hearing was held, and the Planning Commission adopted Resolution 20-11 by a unanimous vote (5-0), denying Zoning Clearance Application Nos. ZC19-0684 and ZC19-1390, denying related Appeal No. PL20-0032, and declining to refund any appeal fees;

Q. On September 8, 2020, PROPERTY OWNER timely appealed the Planning Commission's decision to the Ventura County Board of Supervisors;

R. A de novo hearing was originally scheduled before the Board of Supervisors on March 16, 2021. The hearing was postponed at the request of PROPERTY OWNER. The subject appeal hearing was then rescheduled for April 27, 2021, but was again postponed at the request of PROPERTY OWNER, and then ultimately rescheduled for October 5, 2021;

S. On October 1, 2021, the attorney for PROPERTY OWNER requested a continuance of the Board of Supervisors de novo public hearing regarding the denial of Zoning Clearance Nos. ZC19-0684 and ZC19-1390 (Case No. PL20-0032) to a date uncertain; and,

T. COUNTY agreed to postpone the October 5, 2021 Board of Supervisors de novo public hearing based on the mutual understanding that the PROPERTY OWNER would abate all but one of the Violations subject of Notice of Violation CV19-0100 by obtaining the necessary permits and approvals from the Planning Division, Building and Safety Division, and the CHB. The remaining Violation concerning the partially demolished nonconforming caretaker dwelling unit (Building H2) would be held in abeyance until such time the October 5, 2021 Board of Supervisors de novo public hearing is rescheduled to determine the outcome of the status of Building H2. See Sections 2(a) through 2(d) below for required milestones concerning Building H2.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration set forth herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. PROPERTY OWNER'S OBLIGATIONS REGARDING THE ABATEMENT OF ALL VIOLATIONS, WITH THE EXCEPTION OF BUILDING H2

- a. Within 14 calendar days of the Effective Date, PROPERTY OWNER shall submit a complete Zoning Clearance application to the COUNTY Planning Division's online Citizen's Access with a scope of work that provides for abatement of the Violations, with the exception of the Violation pertaining to Building H2, and conformance with the regulations of the NCZO. The Zoning Clearance application shall also include all required supporting materials, plans and fees, in accordance with the Zoning Clearance Application Instructions. In addition to the minimum plan requirements described in the Zoning Clearance Application Instructions, PROPERTY OWNER shall revise plans to show the correct preparation date and clearly note that all Violations subject of CV19-0100 will be abated with the exception of the Violation pertaining to Building H2, which will be determined at a future Board of Supervisors public hearing and will remain part of the appeal of the denial of ZC19-0684 and ZC19-1390;
- b. On or before the submittal of a complete Zoning Clearance application, PROPERTY OWNER shall pay COUNTY all outstanding Resource Management Agency staff costs incurred, including the amount of \$171.60 for responding to the August 27, 2021 Public Records Act request submitted by PROPERTY OWNER's legal counsel. The invoices are attached to this Compliance Agreement as Exhibit B;
- c. Within 30 calendar days of the COUNTY's written confirmation to PROPERTY OWNER that the Zoning Clearance application contains a scope of work that would abate all Violations (with the exception of the Violation pertaining to Building H2), as confirmed by the Code Compliance Division staff, and meets the development and land use standards of the NCZO, PROPERTY OWNER shall submit a complete COA application to the COUNTY Planning Division's Cultural Heritage Planner with the following:
 - Complete COA Application Form
 - One set of plans (24" x 36"), drawn to scale
 - A digital set of plans (11" x 17")
 - Cut sheets for all new/replacement elements (including new/replacement doors and windows, etc.)
 - Final Historic Resources Report (not draft version)
 - Photos
 - \$832 nonrefundable fee
- d. In the event the COA is denied by the CHB pursuant to Section 1366-7 of the CHO, PROPERTY OWNER shall be prohibited from taking action on proposed project for 180 days from the date of disapproval and a COA shall not be required for the subject project

after 180 days from date of disapproval pursuant to Section 1366-8 of the CHO. PROPERTY OWNER may appeal the decision to the Board of Supervisors within 15 days of the disapproval decision by the CHB. After all CHO appeal deadlines and administrative remedies are exhausted, PROPERTY OWNER shall, within 7 calendar days of the end of the 180-day prohibition on taking action on proposed project, follow through with completing the related Zoning Clearance application and obtain the Zoning Clearance if all Resource Management Agency fees are paid, the scope of work includes the abatement of all Violations (with the exception of Building H2), as confirmed by the Code Compliance Division staff, and meets the provisions of Section 8111-1.1.1.b.(1) – (10) of the NCZO;

- e. In the event the COA is approved by the CHB, PROPERTY OWNER shall within 20 calendar days, follow through with completing the related Zoning Clearance application and obtain the Zoning Clearance if all Resource Management Agency fees are paid, the scope of work includes the abatement of all Violations (with the exception of Building H2), as confirmed by the Code Compliance Division staff, and meets the provisions of Section 8111-1.1.1.b.(1) – (10) of the NCZO;
- f. Within 14 calendar days of the issuance of the Zoning Clearance application, PROPERTY OWNER shall submit a complete Building Permit application to the COUNTY Building and Safety Division that shall include the abatement of all Violations (with the exception of Building H2); and,
- g. PROPERTY OWNER shall take all necessary actions to complete construction or demolition and obtain all final approvals from the applicable regulatory agencies related to the Building Permit which are needed to fully abate the Violation, with the exception of the Violation pertaining to Building H2, including but not limited to the COUNTY Environmental Health Division and the COUNTY Fire Protection District within the specified time limits allowed by the most current Ventura County Building Code section 105.5 (Expiration of Permit).

2. PROPERTY OWNER'S OBLIGATIONS CONCERNING BUILDING H2

- a. Within 30 days of the issuance of the Building Permit (see Section 1(f) above) to abate the Violations, with the exception of Building H2, PROPERTY OWNER shall either (1) provide in writing to COUNTY a withdrawal of the appeal (Case No. PL20-0032) for the remaining Violation concerning Building H2 or, (2) provide in writing to COUNTY an agreed upon date for the rescheduled Board of Supervisors de novo public hearing to decide whether Building H2, a nonconforming structure and use, was voluntarily demolished by PROPERTY OWNER pursuant to NCZO section 8113-6.1.2;
- b. In the event PROPERTY OWNER chooses to withdraw the appeal (Case No. PL20-0032) for the remaining Violation concerning Building H2, PROPERTY OWNER shall (1) submit a Zoning Clearance application to entirely remove Building H2, including the posts, roof, and foundation; or, (2) submit a Zoning Clearance application to legalize the building and use in accordance with the development standards and regulations of the current NCZO. In both scenarios, PROPERTY OWNER shall follow the same general COA and Zoning Clearance application processes as outlined in Sections 1(c) through 1(g) above;

- c. In the event PROPERTY OWNER requests a Board of Supervisors appeal hearing which results in the Board of Supervisors upholding the appeal (Case No. PL20-0032) and determining that Building H2 was involuntarily, partially demolished and the nonconforming structure may be rebuilt to its original state prior to being partially demolished pursuant to NCZO section 8113-6.1.1, and that PROPERTY OWNER may reestablish the caretaker dwelling unit use, PROPERTY OWNER may, if it chooses, submit a complete Zoning Clearance application to authorize the reconstruction and reestablishment of the caretaker dwelling unit use for Building H2 in conformance with the regulations of NCZO section 8113-6.1.1. The Zoning Clearance application shall include all required supporting materials, plans and fees, in accordance with the Zoning Clearance Application Instructions. PROPERTY OWNER shall follow the same general COA, Zoning Clearance, and Building Permit processes outlined in Sections 1(c) through 1(g) above; and,
- d. In the event the Board of Supervisors denies the appeal (Case No. PL20-0032) and determines that Building H2 was voluntarily demolished to the extent of 50 percent of its floor or roof area which existed before destruction, and the nonconforming structure may not be rebuilt to its original state and use prior to its destruction pursuant to NCZO section 8113-6.1.2, PROPERTY OWNER shall fully abate the Violation concerning Building H2 to the satisfaction of the COUNTY Planning Director or designee, in consultation with the COUNTY Code Compliance Division, within 30 days after said denial decision by (1) submitting a Zoning Clearance to entirely remove Building H2, including the posts, roof, and foundation or, (2) submitting a Zoning Clearance application to legalize the building and use in accordance with the development standards and regulations of the current NCZO. In both scenarios, PROPERTY OWNER shall follow the same general COA, Zoning Clearance and Building Permit processes outlined in Sections 1(c) through 1(g) above.

3. COUNTY'S OBLIGATIONS

- a. COUNTY shall suspend further code enforcement action against PROPERTY OWNER for the Violations while PROPERTY OWNER remains in full compliance with the terms and conditions of this Compliance Agreement. COUNTY, however, may take code enforcement action against PROPERTY OWNER pursuant to the NCZO for any Violations not the subject of CV19-0100 or of this Compliance Agreement;
- b. COUNTY Code Compliance Division staff shall perform a final inspection, as expeditiously as possible, upon notification by PROPERTY OWNER, to determine whether the Violations have been fully abated;
- c. Upon PROPERTY OWNER's full abatement of the Violations in accordance with the terms and conditions of this Compliance Agreement, COUNTY shall: (i) close Code Compliance Division Violation Case No. CV19-0100; and (ii) release all Notices of Non-Compliance recorded against the PROPERTY regarding the Violations following PROPERTY OWNER's payment of the required release fees (per the COUNTY Fee Schedule) and final bill;

- d. COUNTY reserves the right, that may be exercised in its sole discretion, to terminate this Compliance Agreement based on PROPERTY OWNER's failure to timely comply with one or more of its obligations under Sections 1(a) through 1(g) and 2(a) through 2(d) above, as applicable, as determined by COUNTY in its sole discretion, and may thereafter pursue any and all enforcement procedures available;
- e. This Compliance Agreement constitutes the entire agreement and understanding between the parties regarding the subject matter hereof and fully supersedes and replaces any and all prior negotiations and agreements of any kind or nature, whether written or oral. A party's failure to exercise or delay in exercising any right, power or privilege under this Compliance Agreement shall not operate as a waiver thereof; nor shall any single or partial exercise of any right, power or privilege preclude any other or further exercise thereof;
- f. The parties stipulate and agree that each of the statements and representations contained in the above **RECITALS** section is truthful and accurate. These statements and representations are a binding, material part of this Compliance Agreement;
- g. All notices between the parties must be in writing addressed to the recipient party's address specified below and must either be given: (i) personally (including by commercial courier or next business day delivery service), in which case notice will be deemed to have been given upon delivery to the party's address; (ii) by certified mail, return receipt requested, in which case notice will be deemed to have been given on the delivery date indicated on the return receipt; (iii) by United States mail, in which case notice shall be deemed to have been given 3 business days following deposit in the United States mail; (iv) by email, in which case notice shall be deemed to have been given 1 business day following sent email. Either party may change its address by giving notice to the other party as provided above. The notice addresses for the parties are:

If to COUNTY:

Ventura County Planning Division
Planning Director
800 S. Victoria Avenue
Ventura, CA 93009
Attention: Planning Director Dave Ward and Senior Planner
Franca Rosengren
Email: Dave.Ward@ventura.org and
Franca.Rosengren@ventura.org

If to PROPERTY OWNER:

Billiwhack Ranch, LLC
c/o Richard and Tracy Cortez
3048 North Coolidge Avenue
Los Angeles, CA 90039
Email: tracy@studiocortez.com

- h. This Compliance Agreement is entered into by the parties pursuant to Section 8114-4 of the NCZO in an attempt to informally resolve the matter in lieu of the County's pursuit of formal enforcement action. As such, this Compliance Agreement does not constitute a

contract that is enforceable in a court of law or any other forum, and no decision or action taken by the Planning Director to administer or terminate this Compliance Agreement is appealable under Section 8111-7.1 of the NCZO; and,

- i. This Compliance Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Executed signature pages to this Compliance Agreement may be delivered via facsimile or as a .pdf in electronic mail, and such delivery shall be fully effective as if the original had been delivered.

The parties have caused this Compliance Agreement to be duly executed by their respective duly authorized officials, officers, or representatives as of the dates set forth below.

_____	_____	DATE: _____
PROPERTY OWNER NAME	SIGNATURE	

_____	_____	DATE: _____
PROPERTY OWNER NAME	SIGNATURE	

_____	DATE: _____
COUNTY, Dave Ward, Director, AICP	
Ventura County Planning Division	

Exhibit A – Notice of Violation CV19-0100
Exhibit B – Resource Management Agency Invoices

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

May 9, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

We have received from you a proposed Compliance Agreement concerning the above referenced and the alleged violations identified in your case No. CB19-0100 and Appeal No. PL20-0032. Thank you for forwarding this document.

Your file will reflect that at the inception of the conversation concerning a Compliance Agreement, we asked that you direct your staff to continue to process and move the project and various aspects of it forward so as to avoid the continuing and troubling delays that have occurred. Unfortunately, that request went unanswered. I also suggested, given the many issues, that there be a conversation between myself and whomever was involved in drafting the document, presumably County Counsel or you, so that we could talk through items to try and structure a document at the outset that worked for everyone. That proposal also went unanswered. To date, we understand that everything is frozen, nothing is being processed by staff and now we have received your Compliance Agreement without any input from us.

As you know, this property, with its improvements, go back over a century and, from our perspective, much of what has transpired is your staff trying to take a round peg and fit it into a square hole. We have had long periods where County staff refused to recognize that all of this was required legally to be handled pursuant to the California Historic Building Code (CHBC) which supersedes local county regulations and ordinances. Our client was forced to obtain confirmation from Sacramento, resulting in unnecessary costs to our client and further delay. Given how obvious it is that the CHBC is applicable, the refusal by staff to acknowledge this continues to be troubling. With all of this in mind and the history of the project, it is important for the Compliance Agreement to be balanced, fair and accomplish an agreed upon path forward to resolution.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
F: 805.987.4980

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.21 - May 9, 2022 letters
from Peter Goldenring to Dave Ward



The best way forward, from our perspective, is a sit down meeting with decision makers to include the undersigned, our client and John Hecht. For the County part, we encourage the following to be at the table: you, County Counsel and whomever else you believe appropriate. We believe this is the most efficient methodology of getting the resolution structured and the project over the finish line. Hopefully, it will avoid constant and long drawn out back and forths on documentation for the proposed Compliance Agreement.

As a template for the conversation, we have two categories of comments. The first are what I term as structural, meaning they refer to basic conceptual structural aspects of the proposed Compliance Agreement. The second are more specific and deal with discreet items. We hope these will be received in the good faith spirit with which they are offered in terms of moving this matter forward.

Structural Issues

The areas that we categorize as structural, meaning how the document is put together and how things will be accomplished, include the following:

1. The first part of the Compliance Agreement is labeled "Recitals." The purpose of recitals is to delineate agreed upon facts in a manner that both sides acknowledge and which serve a purpose going forward. This is confirmed by paragraph 3(f) which asks our client to "stipulate and agree" to the Recitals as being "truthful and accurate" and thereby being "binding" and a "material part" of the Agreement. Therefore, the Recitals have meaning. In this case, the Recitals are not all agreed and are incomplete. If the Recitals are to be as described in the proposed document as binding and therefore meaningful, they need to include all of the relevant facts and events that bring us to this point. Set forth below under Specific Issues, we provide you a number of additional facts which are accurate and appropriately part of the Recitals. Please know that for our part we are willing to consider Recitals as proposed by the County and Recitals as proposed herein to all be part of the Recitals and further specify that the various parties have disagreements about some of the Recitals and the context of the settlement is to move forward past those agreements and not dwell on past events, some of which are agreed and some of which are disputed. With respect to the Recitals, we are willing to get to an agreed upon set of Recitals which will need to include a number of other items and facts that occurred and which, from our perspective, reflect critical factors in how we got here or we are willing to have both sides be able to put in whatever each side feels is important around how we got here and neither side is bound by the other's positions and the parties instead are forward looking.

2. With respect to moving forward, one of the fundamental disputes that has existed is what codes/ordinances apply to this project. As your proposed Compliance Agreement in Recital M admits, this entire matter is governed by the California Historic Building Code. The County previously refused the application of the CHBC and forced a process of review and

confirmation through Sacramento. That must be affirmed and the document must clearly delineate that going forward, the entirety of the matter is governed by the CHBC and the CHBC will control in the circumstance of any ambiguity or conflict with any County ordinance. The CHBC preempts local regulation where there is ambiguity or conflict and this should be made clear as a directional path forward for staff and our client.

3. Throughout the proposed Compliance Agreement there are any number of timeframes imposed on our client. Setting aside specific timeframes which may need to be modified to be practical, what is troubling is that nowhere in the document is there a single timeframe imposed on the County. Given what has transpired and our client's perspective that the entire matter has been long delayed by staff, the Agreement in terms of timeframes needs to be bilateral. Simply stated, we are willing to have our client bound to be implementing certain filings or accomplishing certain events within timeframes but so too must County staff. By way of example, once a submission is made, County staff should have a specified number of days to review it and communicate whether it is complete or incomplete. If incomplete, County staff must have a specified number of days to review any further submissions and must be bound by its statement of incompleteness. In other words, the goal post cannot keep moving. Likewise, when a particular submission is complete, County staff must have a specified number of days to process and move the matter forward to the next event. We solicit your reasonable proposals for bilateral timeframes which will make this proposed Agreement structurally fair for all participants.

4. With respect to the Cultural Heritage Board, you will recall that our client was taken to the Cultural Heritage Board. Under the County ordinance, when the Cultural Heritage Board denied the project, setting aside all of the issues imbedded in that process, under the ordinance after 180 days our client was entitled to move forward as presented. Instead, what happened is that the County rereviewed the project and denied it even after the 180 days had expired. Setting aside all of the legal issues, which are reserved, that cannot happen again. If the County wants as part of this to take our client back to the Cultural Heritage Board, there must be a definitive timeframe when that happens. There must be an agreement that there shall be no continuance absent our client's agreement of that hearing. Then, if the project is approved, there must be a time period when County staff will issue the approvals, no additional review, no additional back and forth – the permits are issued. Likewise, if the Cultural Heritage Board denies the project and the time for appeal by anyone expires, which I believe to be 15 days, at that point our client should not have to wait another 180 days. Instead, within a short period after there being no appeal, our client has the right under the ordinance to proceed with the project which means that as presented staff must then issue the permits. There is no reason to imbed in this document what, as I read it, is at least a further year of delay dealing with the Cultural Heritage Board and the 180 days and everything associated with it. That is just not fair and we believe must be shortened to move this matter forward. There are specific additional comments about specific matters further discussed below.

5. Paragraph 3(d) provides that the County may, in its sole discretion, terminate the Compliance Agreement for claimed violations solely determined in its sole discretion by the County and then the County can come after our client through enforcement procedures. Coupled with the provision that the document is not a contract and not binding, this makes the entire Agreement illusory. The County can withdraw, there is no remedy, there is no ability to dispute the County's withdrawal, there is no review and our client may be months and months down the road, having spent tens upon tens of thousands of dollars, only to find itself nowhere. Why wouldn't the Agreement be binding? Why wouldn't it specify the obligations on both parties and require both parties to comply? Given that the County apparently wants the ability to withdraw essentially without reason and without a dispute resolution methodology for such a determination by the County, why wouldn't that be bilateral? In other words, if our client believes the County has not complied with its obligations, which must clearly be delineated in the Agreement, why wouldn't our client have the right to enforce the Agreement or withdraw?

6. I have already commented on paragraph 3(f) concerning Recitals which must be addressed.

7. Paragraph 3(h) is unintelligible to us. After having made the Recitals binding, having given the County the sole ability to withdraw with no rights of review, this paragraph states that the entire document is not enforceable, any violation by the County is unenforceable and there is no review for any position or decision by County staff. It makes the entire document illusory and worse than one sided. Why wouldn't the County agree that this Agreement is binding? It needs to be binding. It needs to obligate our client to do certain things that the County wants and which our client agrees to in the Agreement. Likewise, it needs to obligate the County to do certain things. If one party or the other breaches, there needs to be consequences, a remedy. Yet this paragraph eliminates any review, any imposition on the County of consequences of the County not complying (setting aside the fact that under the terms of the Agreement there is little imposed upon the County and this must change) and it expressly makes the County immune from any violation or actions or inactions. We do not understand this structure at all. There is a dispute. Both sides have asserted the dispute and the various issues associated. Both sides are choosing to find a path forward to solve the issues. That is why the Agreement needs to be bilateral.

Specific Issues

In addition to the foregoing but imbedded within a number of the same paragraphs are specific issues with the proposed Compliance Agreement. Once the structural matters are addressed and resolved, we believe many of these specific issues can easily fall into place. The specific issues include the following:

With respect to the Recitals above described, given that the County wants them to be binding and material, they need to be complete and clearly articulate our client's view of the facts

as well. To reiterate, we have no difficulty with a provision that the Recitals incorporate the facts as viewed by both sides and that both sides reserve their rights to the facts should there be a subsequent dispute. Or, we can get to a set of Recitals that everyone agrees are binding and by which all will abide going forward. These additional Recitals should include the following:

1. "On or about March 18, 2019, the County received a code compliance complaint for the subject property which alleged that the property owners were using the property for commercial purposes instead of agricultural purposes, using part of the 65,000 square feet of structures for their manufacturing business, which is to build custom windows, doors and furniture, and also for storage that they rented to their tenants. The complaint was most likely made by a disgruntled renter for illegal use that was preexisting on the property when acquired by the current owners. The County investigated the complaint and determined that it was false."

2. "On or about March 25, 2019, the County prepared a Courtesy Notice to the property owners with their Los Angeles mailing address. The property owners did not receive the Notice. On April 16, 2019, the property owners saw the Notice on a County staffer's computer screen while researching permit history on the property and requested a copy. This is the first that the property owners became aware of the Notice."

3. "On or about May 24, 2019, a County Code Compliance Officer visited the site to review the alleged violations from the complaint above described. The Code Compliance Officer did not advise that the scope of site review was for everything on the property, not just the investigation of the complaint. The Code Compliance Officer confirmed that none of the alleged items in the complaint were true. However, the Code Compliance Officer, without advisement of scope or notice or request, proceeded to inspect the property and claims to have found other violations. The Code Compliance Officer advised the property owners and their representative that if they submitted a project application and addressed the items that were discussed, Code Compliance would not issue a violation."

4. "On or about June 19, 2019, in reliance of the foregoing, the property owners' representatives submitted a Zone Clearance Application for the project."

5. Add to Recital C the following sentence: "A violation was issued despite the fact that the property owners had submitted a Zone Clearance Application as directed by the Code Compliance Officer only six days prior."

6. Add to Recital D the following: "No appeal was filed because the County led the property owners to believe that the project was on track to be approved. Both the planner and the CHB planner were in agreement that the project scope and drawings were sufficient and resolved all issues."

7. Add to Recital E the following: "This Notice came two weeks after being denied by CHB and while the property owners were still in the process of working through approvals. The property owners had hired a historian to prepare the requested report and were within the 180 days Cultural Heritage Board stay period of time as specified under the ordinance."

8. Add to Recital G, or by separate items, the following:

"The correction notice was fulfilled and the project was forwarded to CHB for review."

"The County required additional information for Building H2: the County would only accept two forms of proof to substantiate a structure or use identified as (a) permits or (b) assessor records. After investigation, the County has acknowledged that it has destroyed all permits prior to 1999. Thus, there are no permits to be obtained from the County for the property due to the County's destruction of records. The property obtained two assessor records from 1954 and 1975, both were missing pages and both contained inconsistent information. Through the process of inquiry and ultimately a Public Records Act request, the Ventura County Assessor's office records were accessed. The representative of the Assessor's office advised that the Assessor's office had destroyed all historic records and had not maintained copies of those records. Upon further review, some limited photographs were provided by the County Assessor's office and other historic photographs and information was obtained by the property owner, all of which was provided to County staff. Applicant requested that County staff consider all of the historic and anecdotal information, especially in light of the fact that the County had destroyed its own records which would have documented the buildings going back over 100 years and their uses. Applicant's request was rejected by County staff.

"The County requested floor plans and building elevations for all buildings shown on the site plan. Plans and elevations for buildings and the scope of work were provided. County staff demanded and required that all buildings be the subject of floor plans and building elevations, though there is no ordinance nor regulation that staff can point to for such requirements, which included buildings that were not being modified or addressed in the project."

"County staff required information concerning acreage under cultivation. The property owners provided acreage from farming surveys and provided an invoice for 1,000 trees on order. The County Planner acknowledged that this was acceptable."

"On August 12, 2019, the property owners' representative presented the project to the CHB at the hearing. The CHB staff planner recommended the project for approval with conditions. CHB members incorrectly claimed that only Landmark Properties were eligible to use the California Historic Building Code, concluded that the property could not use the CHBC and that in the opinion of the CHB members, the property could not be renovated without

application of the CHBC. In spite of this statement and in spite of the County Cultural Heritage staff planner's recommendation that the project be approved with the conditions and notwithstanding the inapplicability of the law relative to the requirement of a historic report being prepared and notwithstanding the members of the CHB's inaccurate determination of the inapplicability of the CHBC, the CHB members required a historic report to be prepared."

"Notwithstanding the CHB's statements as above described, including that the project could not use the CHBC and that it could not be renovated without it, the CHB granted approval to repair the crumbling unsafe southwest corner of Building 4 which required the use of the CHBC. The CHB required match for like for like, a requirement delineated in CHB findings. County staff approved a zone clearance and permit which was issued identifying Building 4 with a R3 occupancy (residential)."

"The CHB requested some changes to the drawings and a historic report to prove that the three percent of changes were not character defining feature changes. The CHB planner outlined what she deemed character defining features and what her recommendation for conditions were."

9. Add to Recital H the following: "The requirement was that it was to be done historically like for like requiring the CHBC but the Cultural Heritage Board at the same time was opining that the CHBC was not applicable and could not be used. Yet, the repair was authorized, creating an obvious disconnect in decision making by the County and what the file reflects, from property owners' perspective, was a misleading and/or outright false indication to the applicant that the project was moving forward to prompt approval."

10. Add after Recital H the following: "On September 9, 2019, the property owners' representative attended a second CHB hearing with plans modified as directed at the prior CHB hearing on August 12. Though the property owners had engaged a historian for the preparation of the demanded historic report (the demand being in dispute), the historian had not completed the scope of work. The historian identified was the same historian that determined that the property was a Site of Merit in 1995 and not a Landmark Site. At this hearing, the CHB considered tabling the project again to await the historic report but then decided to deny the project so the applicant could move on. This was understood by the property owners to mean that after the 180 days expired, the project was deemed approved and permits would issue."

11. Add the following to the Recitals: "While waiting for the historic report to be prepared and with the understanding that the interiors were not under the purview of the CHB, the property owners applied to remodel the interior to move forward with the project in a reasonable manner. The property owners had previously discussed the distinction between interiors and exteriors with the County, specifically Denise Thomas, Cultural Heritage Head Planner. This telephone conversation took place on September 4, 2018, prior to the property owners purchasing

the property. Ms. Thomas confirmed and directed that the Cultural Heritage Board had purview over the exteriors of buildings where applicable only and not building interiors. This representation by County staff was relied upon by the property owners throughout this process, including closing escrow on the property.”

12. Add to Recital J at the end of the sentence the following: “and submitted and paid for a building permit application.”

In addition, add to Recital J the following: “In late January 2020, the property owners’ representative inquired as to the status of the December 19 submission for interior remodel of Building 4 and was told by the County Planner that the County Planner had given a correction notice to the owners’ representative on December 20. The owners’ representative stated and advised the County that this was not true and it could not be true because the individual was out of the country during that timeframe. Thereafter, the County Planner provided a copy of the claimed previously issued correction notice which was never received by the applicant or the applicant’s representatives and the County Planner never provided any proof or documentation showing that it was mailed or issued. At this time, the 180 days stay following the final Cultural Heritage Board meeting was nearly concluded. The claimed correction notice stated that the project is a Site of Merit and that the architectural components found within the building are subject to CHB review. Both of these are not consistent with the prior representations of County staff nor with the applicable ordinances.”

“On or about February 12, 2020, the property owners’ representative issued an email documenting the meeting with the County plan examiner who confirmed exemption of the project from energy compliance ordinances pursuant to CHBC. As of that date, the Planning Division had not yet agreed that the project would be subject to CHBC.”

13. Add to Recital K the following:

“The owners’ representative met with the County plans examiner regarding Title 24 requirements for historic buildings, met with the planner who indicated that the CHB had expressed concerns about ceiling murals and interior matters, though not documented in any minutes. The County Code Compliance Officer joined this meeting and stated that the main residence was not a residence. Thereafter, the owners’ representative received an email that Code Compliance had directed the Planning Division to stop the review.”

“On February 14, 2020, the property owners’ representative met with the Building Official regarding the use of the CHBC. The Building Official indicated he would instruct the Planning Division to send a link to re-upload the plans for a historic plan check without charge. A new set of plans were uploaded. The owners’ representative met with a senior planner and was informed that the guesthouse would be considered the main residence under the current ADU state

law which permitted only 1,200 square feet of additional living space being allowed on the property. This redesignation and change were disputed by owners and is incorrect pursuant to owners' position pursuant to ADU state law."

14. Add a Recital that provides: "As of March 10, 2020, the 180 days stay period after denial from the CHB pursuant to CHO1366-8 expired."

15. Modify Recital L as follows:

"At the March 16, 2020 meeting, it involved legal counsel, Code Compliance staff, Cultural Heritage staff, owners' architect, contractor and counsel."

Add to the Recital the following: "Property owners' attorney requested a decision on the use of the CHBC. The Planning Director stated it was not known whether the site was historic and therefore, no decision could be made by County staff. The property owners' lawyer challenged County Counsel and County staff pointing out CHO1372 (use of CHBC for any designated historic site) and with the County prepared historic resources report for western Santa Clara valley which expressly identifies the property as a Site of Merit. County Counsel stated that County Counsel and the County representative were not qualified to answer the question nor make a decision. Thereafter, on March 19, 2020, property owners' counsel wrote to the state architect requesting a review and ruling on whether the property was entitled to use the CHBC."

16. Add to Recital M the following: "The Planning Directors' confirmation on the use of the CHBC was based on Section 18955 of the CHBC, the 1995 County Historic Resources Report, the Cultural Heritage ordinance Section 1365-5 which defines a Cultural Heritage site. However, the letter from the Planning Director was incomplete in citation to authority and misstated certain aspects of applicable law. The Planning Director closed the letter with the statement 'with respect to responses on the zoning clearances, a letter is being prepared which provides the information you are requesting. The letter will be finalized next week and forwarded to you under separate cover.' At no time in this letter did the Planning Director advise that a denial was forthcoming. The 180 days stay after the CHB proceedings had expired and County staff had within its possession, custody and control all information to confirm the applicability and superseding nature of the CHBC to the project. Thereafter, on April 7, 2020, when the Planning Director's letter was issued, the property owners' counsel issued an email to the planner who had issued the December 20, 2019 correction notice for the interior remodel of Building 4 explaining that the notice was incorrect particularly in light of all parties' recent understanding of the CHBC application to the project. The County never responded to this correspondence. Thereafter, on April 10, 2020, without any response to the foregoing, property owners' representative received an email from the Planning Director indicating that the zone clearance was denied and that the notice would be issued the following week."

17. Add to Recital N the following: "The denial letter was issued after the expiration of the CHB 180 days stay and after the state and Planning Director confirmed that the project's use of the CHBC was, as always contended by the property owners, applicable. Property owners have previously pointed out that the CHBC, when applicable, allows for each of the scope of the project's proposals and thus, the denial of April 14, 2020, was improvident."

18. Add to Recital O each of the following:

"On April 21, 2020, the property owners' representative submitted an application for a building permit for an upgraded electrical meter and miscellaneous electrical for ag Building 5. A permit was issued on April 22, 2020."

"On May 6, 2020, the property owners' representative submitted an application for the Building Official to permit the two residential units pursuant to Health and Safety Code §17958.12(b) to be permitted and for the Building Official to issue a retroactive building permit for that construction. The Building Official required Planning's approval though not required by ordinance or other code."

"On May 28, 2020, the property owners' representative submitted an application for a building permit for an upgrade to the site electric and pump house. The Building Official deferred to Planning who denied the site electric claiming that it contained a structure which could not be approved due to a violation existing on the property. At no time has County staff issued a denial notice on this application. Thereafter, the applicant removed the pump house and emailed Planning with the revised plans. Applicant asked if the plans could be approved. Planning declared the project had already been denied and did not acknowledge receipt of the recent email nor modified plans. Applicant requested a telephone call with Planning to walk through the revised submission. Planning staff stated that they did not have time to do this. Applicant then wrote applicant's position in an email to County staff. Planning then communicated to applicant an unannounced review. Applicant then walked Planning through the NCZO and the Cultural Heritage Board Resolution No. 2017-2.1. Planning ended the call, without decision, but thereafter emailed approving the site electric based upon applicant's reading of the code. Approval was received on November 23, 2020."

"On June 17, 2020, the property owners' representative submitted an application for Building 4 as an ADU. The application was denied on July 15, 2020. On April 15, 2022, the property owners submitted an assessment of each of the denial reasons as incorrect to the Planning Director and requested a review and comment. There has been no response."

"On June 20, 2020, the property owners' representative emailed the Code Compliance Officer to request use of Health and Safety Code §17958.12(b) to abate the claimed

violation of Building 2. The owners' representative conveyed that he had spoken with the Housing Policy Analyst at the HCD who was available to speak to County staff. Code Compliance deferred to the Planning Director twice. The Planning Director promised to respond after speaking with the Planning Manager and presumably, the Housing Policy Analyst. At no time has the Planning Manager ever responded or confirmed that the promised telephone call was made."

"On August 17, 2020, the property owners met with the Planning Director and RMA Director to present extensive photographic historic evidence of the damage from mother nature and deferred maintenance that was inherited on the property concerning Building H2. The presentation established the Health and Safety issue as well. Applicant's request was for the County to utilize the involuntary damage language clearly applicable in the NCZO which would allow the structure to be rebuilt and its use to continue. The County refused."

19. Add to Recital P the following: "Two members of the Commission expressed and acknowledged their confusion of what had occurred with the County processes and asked if they could direct Planning staff to change the denial into a correction notice and allow the project applicant application to move forward. Planning declined. When Planning expressed that it would not do so, those Commission members voted against the appeal."

20. Add to Recital T each of the following:

"On November 2, 2020, the property owners requested Code Compliance to respond to specific questions about each of the violations so that they could place the larger project on hold and clear the violations. Code Compliance directed the specific questions to Planning and to Building and Safety. Both Planning and Building and Safety responded but Building and Safety did not answer the correct questions and neither County department answered so that the applicant could eliminate the claimed violations. Those questions remain outstanding."

"Staff placed on hold applicant's permit for repair of Building 4. County staff did not communicate to applicant that a hold had been placed on the permit. Ultimately, the applicant found the hold on the County website portal. The portal indicated that the undisclosed hold was placed by staff the day after the Planning Commission hearing. When the property owner/applicant asked why it was placed on hold, there was no response nor explanation. Building and Safety directed inquiries back to Planning and ultimately the property owner/applicant was advised that Winston Wright claimed that the work performed had exceeded the permit scope. This was never communicated by Mr. Wright nor documented nor substantiated. In fact, no scope had been exceeded and this was a unilateral hold by Mr. Wright that is questioned as to its propriety and appropriateness by applicant/property owner. The hidden hold took months to discover and understand. At no time has the County explained this nor provided any documentation to substantiate the propriety of such an action by Mr. Wright.

Mr. David Ward
May 9, 2022
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With respect to this property, we believe that the applicable laws will be comprised of federal, state and local, including local historic guidelines, all of which have as a main goal to preserve historic resources. All of the statutory constructs at every level are designed to promote or incentivize preserving historic structures. That public policy must be clearly imbedded in the statements of how this project is processed.

The language of the proposed Agreement needs to be clear that Building 4 is a residence, it has been identified as a residence in County documents as above described in the proposed modified Recitals and in the County files. Mr. Wright insists on referring to it as "the creamery" and this is confusing and creates ambiguity because the truth is the property and this particular structure has been used in a number of ways in intervening years, including as a residence.

While I recognize that this letter is long, I have tried to delineate with reasonable particularity the facts (which discloses the frustrations of our client), as well as a path forward. In summary, we believe that for Building H2, the CHBC clearly allows reconstruction and restoration to preexisting use. For Building 4, the residence which has been identified as a residence by the County, the CHBC clearly applies. The CHB does not require H1 to be partially demolished. No work is required to be done to the building described as H1. As to Building 2, the CHB likewise applies permitting the existing use, especially when Health and Safety Code §17958.12 is applicable and requires the Building Official to confirm that when the building units were constructed, they were constructed to then existing code and issue a permit retroactively. As you well know, the fence has been installed around the historic nonoperational swimming pool foundations and we do not understand why this has not been confirmed as resolved, eliminated from the conversation and removed from all of this.

We look forward to your consideration of these issues.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation


By: PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Ward5/9/2022

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

May 9, 2022

Via Email dave.ward@ventura.org

Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

Please allow this correspondence to augment our prior letter with respect to the Compliance Agreement. In light of what has transpired, we believe that it is important that the Compliance Agreement, if it is to be accomplished, must clearly and unambiguously be consistent and require staff to act in furtherance of the legislative directive under the State Historic Building Code. To this end, the recitals and directives should include:

1. Citation to Health and Safety Code §18951 which makes clear that the application of the code has as it purposes the rehabilitation, preservation, restoration (including related reconstruction) or relocation of qualified historical buildings or structures and specifically is to include application of the code to facilitate the rehabilitation, restoration or change of occupancy of such buildings. This is preemptive to any local ordinances.

2. That the property and all of the structures on it are qualified historical buildings or structures as set forth in Health and Safety Code §18952.

3. That pursuant to Health and Safety Code §18959, the County of Ventura shall administer and enforce the California Historic Building Code and act consistent therewith and that in the circumstance of any ambiguity or conflict with local ordinance the California Historic Building Code, its purposes and processes control.

We provide this clarification to you, although we believe it to be unambiguous in prior communications, so there is no ambiguity. The scope and purpose of the state preemptive law is exactly supportive of what our client has sought to do with every structure. Nowhere under the state code does the County get to require our client to destroy a historic building so that the property complies with a local ordinance, zoning or otherwise. All of the positions of the County about

Camarillo Location:

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Camarillo, CA 93012

T: 805.987.4975
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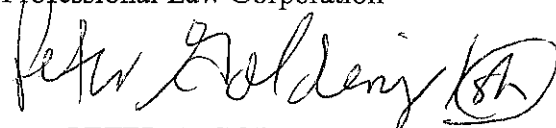


Mr. David Ward
May 9, 2022
Page 2

having to force our client to destroy part of historic buildings in order to comply with the current zoning is simply wrong and violative of our client's rights.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

A handwritten signature in black ink, appearing to read "Peter A. Goldenring", followed by a circled monogram "PA".

By: PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Ward5/9/2022



May 10, 2022

Sent via US Mail and Email to: tracy@racdb.com and tracy@studiocortez.com

Tracy Cortez
3048 N. Coolidge Avenue
Los Angeles, CA 90039

Subject: Response to Tracy Cortez's April 15, 2022 Letters
Billiwhack Ranch, LLC
2275 Aliso Canyon Road, unincorporated area of Ventura
Appeal Case No.: PL20-0032

Dear Mrs. Cortez:

This letter is in response to your two letters dated April 15, 2022, concerning the July 15, 2020 Notice of Denial of Zoning Clearances ZC19-0684 and ZC19-1390 (Notice of Denial) and the procedures for returning a qualified historic property to its prior use.

The first letter concerns the issuance of the Notice of Denial, which is currently being addressed under Appeal No. PL20-0032. On August 27, 2020, the Planning Commission heard this appeal and upheld the denial of the zoning clearances and denied the related appeal. In response to the Planning Commission's decision, you submitted an appeal to the Board of Supervisors, which is still open and pending. Although your April 15, 2022 letter contains inquiries/questions that have already been addressed (i.e., in the Notice of Denial, the August 27, 2020 Planning Commission staff report, and in other various correspondence and meetings), for the sake of further clarity and per your inquiry, Staff's responses are provided below in the order they are presented in your attached April 15, 2022 letter:

Planning Staff's response to denial reason 1: The subject property is located in the Agricultural Exclusive (AE) zone. The County does not consider the AE zone to be a "residential or mixed-use" zone and therefore, Government Code section 65852.2, subd. (e) does not apply to the proposed ADU, and the County is not required to issue a building permit for the proposed conversion. Indeed, the NCZO provisions specific to ADU's expressly differentiate between ADU requests in areas zoned AE (or Open Space) as compared to other residential or mixed-use zones such as Single-Family Residential or Rural Agricultural. (Compare NCZO Sec. 8107-1.7.1(a)(1) with Sec. 8107-1.7.1(b)(1).) The language you cite from the HCD Accessory Dwelling Unit Handbook does not compel otherwise.

Planning Staff's response to denial reason 2: You assert that the creamery building should be deemed an "accessory structure" to the primary dwelling on the lot. Again, however, the property is zoned AE. An application for a building permit for an ADU created within an existing "accessory structure" is only permitted within the following urban and rural residential zones: Single-Family Residential (R1), Two-Family Residential (R2), Residential Planned Development

(RPD), Residential (RES), Rural Agricultural (RA), Single-Family Estate (RO), or Rural Exclusive (RE) pursuant to NCZO section 8107-1.7.1(a). The County has adopted different regulations for ADUs created within existing space on lots zoned Open Space (OS) or AE. (See Sec. 8107-1.7.1(b).) Unlike Section 8107-1.7.1(a), Section 8107-1.7.1(b) makes no mention of "accessory structure." Rather, it only applies to an ADU created within the existing space of a "permitted principal dwelling unit" (not an accessory structure). That does not apply to the current proposal.

For purposes of the current proposal to convert the creamery building, NCZO section 8107-1.7.1(b) does not allow the option to convert an accessory structure within the AE zone unless it meets the criteria of NCZO section 8107-1.7.2 (Standards for All Other Accessory Dwelling Units). The proposed ADU conversion does not comply with the County's current ADU standards under NCZO section 8107-1.7.2. The ADU is proposed to be located on a lot outside of the County's groundwater/traffic impact areas that is larger than 10 acres in size. As such, the detached ADU shall not exceed a gross floor area of 1,800 square feet pursuant to Section 8107-1.7.2(a)(3). Your proposal would not qualify under NCZO section 8107-1.7.2 (a)(3) because the proposed ADU conversion would have a gross floor area of approximately 17,000 square feet.

Staff agree that if the subject property was located within a residential or mixed-use zone as listed under denial reason 1, above, the creamery building would be allowed to be entirely converted to an ADU with no size or bedroom limitation. Staff also agree that the County cannot limit the number of bedrooms within the 1,800-square foot ADU allowed under Section 8107-1.7.2(a)(3). However, because the property is zoned AE and the proposed ADU will not be created entirely within the existing principal dwelling on the property, the County is not required to issue a building permit to convert the existing creamery to an ADU. (Gov. Code, § 65852.2, subd. (e)(1)(A).) As described earlier, since the proposal does not meet state and local laws for ADUs to permit with a building permit, it is subject to the local standards that apply to all "other" ADUs so long as not inconsistent with state law. (NCZO Sec. 8107-1.7.2 et seq.; see also, e.g., Gov. Code, § 65852.2, subd. (a)(1)-(d), (f)-(g), (j)-(o).) The proposed ADU is subject to the standards in Section 8107-1.7.2 of the NCZO, but does not meet such standards, as explained above.

Staff have identified this building as a non-residential "creamery building" based on the 1995 Historic Resources Survey District Record within the Western Santa Clara Valley Historic Resources Survey, Phase V, dated July 1996 (See Exhibit 6 of the August 27, 2020 Planning Commission staff report), the County Tax Assessor's records, and the fact that there have been no permits issued by the Planning Division and Building and Safety Division after 1995 for a legal change of use from the creamery building to another use. Staff do not agree that because the structure is not currently being used as an agricultural building (or has not been in some time) that it automatically becomes incidental to the principal dwelling unit on the property. Even if the creamery building was somehow considered to be "accessory" to the principal dwelling on the lot, the same ADU provisions of NCZO section 8107-1.7.2 would apply since the property is zoned AE.

The HCD example regarding the conversion of a 3,000-square foot barn conversion to an ADU does not apply to your property since the property is located within the AE zone, not a residential or mixed-use zone. For example, if the property was in the Rural Agricultural (RA) zone in the county (a rural residential zone), the zone of which purpose is to provide for both residential and horticultural activities, the creamery building could be entirely converted to an ADU with no size or bedroom limit (Gov. Code, § 65852.2(e)(1)(A)).

Denial reason 3: Refer to Staff's responses to denial reasons 1 and 2, above.

Denial reason 4: Refer to Staff's responses to denial reasons 1 and 2, above.

Violation: The denial of the proposal to convert a non-residential structure (i.e., creamery building) to an ADU in the AE zone is not a "correction of nonconforming zoning condition(s)." (Gov. Code, § 65852.2, subd. (e)(2)). Additionally, the County has not prevented or delayed the issuance of an approval for an ADU due to a correction of violations. The request for an ADU conversion was denied because it did not meet state and local zoning regulations and not because of other non-related violations on the property.

With regard to your second letter concerning the change of occupancy/use of a qualified historic building or property under the California Historical Building Code (HBC), Staff refers you to the August 27, 2020 Planning Commission staff report, page 11 of 16, Planning Division Staff's Response to Ground of Appeal. In short, the HBC does not dictate what is permissible on the property under present zoning standards. Depending on what historic use you propose to return it to, the use would need to meet the current regulations of the Non-Coastal Zoning Ordinance (NCZO) unless zoning deviations are allowed (and the property qualifies) under NCZO section 8107-37 (Cultural Heritage Sites). A discretionary permit (i.e., Planned Development Permit) would be required for deviations under NCZO section 8107-37, as well as review by the Cultural Heritage Board.

If you have questions, please contact Ms. Franca Rosengren, Senior Planner, by phone at (805) 654-2045 or by email at Franca.Rosengren@ventura.org. Alternatively, you may contact Winston Wright, Planning Manager, by phone at (805) 654-2468 or by email at Winston.Wright@ventura.org.

Sincerely,


Dave Ward, AICP, Director
Ventura County Planning Division

Attachment: Tracy Cortez's April 15, 2022 Letters

C: Tracy and Rick Cortez, 3048 North Coolidge Avenue, Los Angeles, CA 90039
John Hecht, Sespe Consulting, via email
Peter Goldenring, Pachowicz & Goldenring, A Professional Law Corporation, via email

Response Letter to Ms. Tracy Cortez
Re: Billiwhack Ranch Appeal No. PL20-0032
May 10, 2022
Page 4 of 4

Dean Phaneuf, RMA, Code Compliance Division
Amanda Ahrens, RMA, Code Compliance Division
Maruja Clensay, Board Aide, Board of Supervisor Matt LaVere

Tracy Cortez · Billiwhack Ranch · 3048 N Coolidge Avenue, Los Angeles, CA 90039 · (213) 308-0015

April 15th 2022

Mr. Dave Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009
Via Email dave.ward@ventura.org

Re: Billiwhack Ranch Zoning Clearance Application ZC20-0503 Denial, dated 7/15/2020

Dear Mr. Ward,

I'm writing today to assess the validity of the Denial Notice dated July 15, 2020, specifically for zoning clearance application ZC20-0503 Proposed Accessory Dwelling Unit Conversion at 2275 Aliso Canyon Road. Page 3 outlines "Project Consistency with State and Local Accessory Dwelling Unit Regulations" and I have found, through detailed research, that the reasons given for denial contradict State law. I have outlined my findings here and request that you carefully review and respond whether you conclude the same for each.

Denial reason 1: *"The proposed scope of work is located on property with a zoning designation of Agricultural Exclusive, 40-acre minimum lot six (AE-40ac) which is neither a residential or mixed-use zone in the County, and therefore, Government Code section 65852.2(e)(1)(i) is not applicable to the proposed accessory dwelling unit."*

Government Code Section 65852.2(e)(1) reads: "Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone..."

Accessory Dwelling Units are under the purview of the Housing and Community Development department. The HCD put out the [Accessory Dwelling Unit Handbook](#) to "...assist local governments, homeowners, architects, and the general public in encouraging the development of ADUs." The handbook answers many frequently asked questions. On page 9, one of the FAQs is "Are ADUs allowed jurisdiction wide?" to which the HCD answers; "Residential or mixed-use zone should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use."

Since the Billiwhack Ranch property zoning allows residential use by right, this reason for denial is incorrect.

Denial reason 2: *"In addition, the creamery building is not an "accessory structure" as defined by Government Code section 65852.2(j)(2)."*

Government Code Section 65852.2(j)(2) reads: “Accessory structure” means a structure that is accessory and incidental to a dwelling located on the same lot.”

The County has continued to label the building in question as ‘The Creamery’ based on its original use from the late 1920s to the early 1940s. Since that time, it has not been used as a Creamery. It has been used most of its life for manufacturing, among other uses, up until as late as the 1960s. The building has had no defined use since it ceased to be used as a Creamery. The County does not label other buildings as they were originally used, rather they label original cow barns as storage. The building descriptions are not consistent. The County currently appears to be considering the building as a Creamery in their denial. The building has no current defined use and therefore it is not a primary use on the property. It can only be viewed as an accessory use, like a barn or ag storage building.

The HCD’s Accessory Dwelling Handbook references accessory structures as follows:

- Defines an “accessory structure” to mean a structure that is accessory or incidental to a dwelling on the same lot as the ADU (Gov. Code, § 65852.2(j)(2). (page 6)
- The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements. For example, an existing 3,000 square foot barn converted to an ADU would not be subject to the size requirements, regardless if a local government has an adopted ordinance. (page 11)
- The most common ADU that can be created under subdivision (e) is a conversion of proposed or existing space of a single-family dwelling or accessory structure into an ADU, without any prescribed size limitations, height, setback, lot coverage, architectural review, landscape, or other development standards. This would enable the conversion of an accessory structure, such as a 2,000 square foot garage, to an ADU without any additional requirements other than compliance with building standards for dwellings. (page 16)
- The conversion of garages, sheds, barns, and other existing accessory structures, either attached or detached from the primary dwelling, into ADUs is permitted and promoted through the state ADU law. (page 16)

Additionally, historic preservation guidelines and the California Historic Building Code promote the granting of new uses to historic structures to encourage property owners to renovate, restore, rehabilitate, and reuse historic structures rather than demolishing them.

Because this structure has no defined use it is incidental to the primary dwelling (H1) on the lot and therefore fits the definition of an accessory structure. And because the HCD’s ADU Handbook outlines that an accessory structure can be of any size, and they provide the example of a 3,000 sf barn, this reason for denial is incorrect.

Denial reason 3: *"The request is also inconsistent with the County's accessory dwelling unit provision under NCZO section 8107-1.7.1 et seq., which identifies the standards applicable to an accessory dwelling unit created within the existing space of a principal dwelling unit or accessory structure. These regulations allow certain accessory dwelling units in the OS and AE zones, but only within the existing space of a permitted principal dwelling unit, not in a detached agricultural accessory structure. (NCZO Sec. 8107-1.7.1(b).)"*

As noted in denial reasons 1 & 2 above, government code allows ADUs in residential and mixed-use zones where residential zones should be construed broadly to mean any zone where residential uses are permitted by-right or by conditional use. Nowhere in the law does it limit ADUs in OE or AE zones. Further, the HCD ADU Handbook provides an example of an accessory structure of a 3,000 sf barn which is an allowed ADU. For these findings, this reason for denial is incorrect.

Denial reason 4: *"The accessory dwelling unit is proposed to be located on a lot outside of the County's groundwater/traffic impact areas that is larger than 10 acres in size and therefore is allowed a detached accessory dwelling unit no larger than 1,800-sq. ft. pursuant to NCZO section 8107-1.7.2(a)(3), which reads: "[...] lots that are 10 acres or more in area are allowed an accessory dwelling unit with up to 4 bedrooms and a gross floor area of 1,800 square feet."*

Under Government Code Section 65852.2(e)(1), there is no limit to the size of an accessory structure converted to an ADU. The HCD ADU Handbook, page 11, states "The conversion of an existing accessory structure or a portion of the existing primary residence to an ADU is not subject to size requirements." Additionally, on the topic of bedrooms, page 13, the handbook states "State ADU law does not allow for the limitation on the number of bedrooms of an ADU. A limit on the number of bedrooms could be construed as a discriminatory practice towards protected classes, such as familial status, and would be considered a constraint on the development of ADUs." This reason for denial is incorrect.

Violation: Finally, with regards to the violation case no. CV-19-0100, government code 65852.2(e)(D)(2) states "A local agency shall not require, as a condition for ministerial approval of a permit application for the creation of an accessory dwelling unit or a junior accessory dwelling unit, the correction of nonconforming zoning conditions." Therefore, correction of violations should not prevent or delay the issuance of an approval for an ADU.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Cortez", with a stylized flourish at the end.

Tracy Cortez

Tracy Cortez · Billiwhack Ranch · 3048 N Coolidge Avenue, Los Angeles, CA 90039 · (213) 308-0015

April 15th 2022

Mr. Dave Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009
Via Email dave.ward@ventura.org

Re: Billiwhack Ranch return to Prior Use

Dear Mr. Ward,

The California Historic Building Code provides for historic properties to return to a prior use under section 8-302.2:

8-302.2 Change in Occupancy

The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historical use or character, provided the qualified historical building or property conforms to the requirements applicable to the new use or character of occupancy as set forth in the CHBC. Such change in occupancy shall not mandate conformance with new construction requirements as set forth in regular code.

I have spoken to Derek Shaw, Executive Director of the State Historical Building Safety Board, on allowing our property to return to an historical use. He stated we were entitled and that we can return to any use in history.

I would like for you to send me the County's protocol for returning a qualified historic property to a prior historic use.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tracy Cortez', with a stylized, cursive script.

Tracy Cortez



COUNTY of VENTURA

RESOURCE MANAGEMENT AGENCY

DAVE WARD, AICP

Planning Director

May 26, 2022

Mr. Peter A. Goldenring, Esq.
Pachowicz & Goldenring
A Professional Law Corporation
6050 Seahawk Street
Ventura, CA 93003-6622

Also sent via email to: peter@gopro-law.com

SUBJECT: Response to Peter A. Goldenring's May 9, 2022 Letters Concerning the
Draft Compliance Agreement for Billiwhack Ranch
Appeal No. PL20-0032
Violation Case No. CV19-0100
2275 Aliso Canyon Road, unincorporated area of Ventura
Assessor's Parcel Numbers 064-0-130-125 and -145

Dear Mr. Goldenring:

The Planning Division has received your two letters totaling 14 pages, both dated May 9, 2022, in response to the draft Compliance Agreement intended to provide a path forward for resolution of the confirmed violations identified in Code Compliance Violation Case No. CV19-0100. Please be advised that contrary to your statements in these letters, these violations are no longer "alleged," but are rather confirmed and "final" violations. For purposes of Section 8114-3.7 of the Non-Coastal Zoning Ordinance (NCZO), a violation is "final" if the Notice of Violation (NOV) issued is not appealed. In this case, the NOV was not challenged by the property owner and is not the subject of the pending appeal (Case No. PL20-0032).

As previously mentioned to you and your client, the purpose of the Compliance Agreement is to confirm the property owner's commitment to resolving all outstanding violations, and to provide a road map with milestones to resolve the outstanding violations while the County holds in abeyance the violation for the demolished farmworker dormitory (Building H2) until a decision has been made by the Board of Supervisors on the pending appeal PL20-0032.

Planning staff thoroughly reviewed your letters and suggested edits to the Compliance Agreement. From these letters it is clear that the Planning Division and your client still have a fundamentally different opinion on the permitting requirements to resolve the outstanding violations. These include, but are not limited to, the continued assertions that Building 4 is a residence, Building H2 may be rebuilt to its original state, Building H1 does not need to be modified in order to meet current code as a result of changing

the use of Building 4 to a principal residence, and that Building 2 should be issued a building permit retroactively. Additionally, the Planning Division disagrees with your "structural issues" with the Compliance Agreement such as, but not limited to, your requests to have (1) the County affirm that the California Historical Building Code (CHBC) preempts local regulations and that this matter is governed by the CHBC (Item 2, page 3 of your May 13, 2022 letter); (2) the Compliance Agreement be a legally binding contract (Item 7, page 4 of your May 13, 2022 letter); (3) the 180-day hold specified in the Cultural Heritage Ordinance waived (Item 4, page 3 of your May 13, 2022 letter); and (3) the County give up its sole discretion to terminate the Compliance Agreement for violations of the agreement (Item 5, page 4 of your May 13, 2022 letter). Based on these reasons and more, it is apparent that the parties will not be able to reach an agreement on the details and elements of the Compliance Agreement. Thus, continuing to work on revising the Compliance Agreement would be unproductive and an inefficient allocation of both staff's resources and your client's time. The Planning Division will instead move forward with taking your client's appeal (PL20-0032) to the Board of Supervisors for a final decision.

For now, the County will continue to refrain from enforcement activity related to CV19-0100 pending the outcome of the Board of Supervisors' appeal hearing. Please be advised that the County will not issue any new permits for the subject property until the outstanding violations have been resolved unless the permits are to abate the violations outlined in the NOV pursuant to NCZO sections 8111-1.1.1.b(4) and 8111-2.2.f.

The Planning Division plans to schedule the Board of Supervisors appeal hearing for the next earliest date practical and available, which would be either September 20, 2022 or October 4, 2022. Please let me know by Monday, June 6, 2022, which date works best for you and your client.

Sincerely,



Dave Ward, AICP, Director
Ventura County Planning Division

Attachments: Peter A. Goldenring's May 9, 2022 Letters

c: Rick and Tracy Cortez, Billiwhack Ranch LLC, 3048 North Coolidge Avenue, Los Angeles, CA 90039; and via email
John Hecht, Sespe Consulting, via email
Maruja Clensay, Aide for Board of Supervisor La Vere, via email
Code Compliance Division Staff, via email

PACHOWICZ | GOLDENRING

A Professional Law Corporation

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June 6, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

I have returned from vacation and had the chance to more thoroughly review your May 26, 2022, correspondence. It is clear that there was never any good faith intent on behalf of the Planning Division to move any aspect of this matter forward. The Planning Division continues to demand that this project be a round peg forced into a square hole. The Planning Division continues to have any lack of vision nor recognize that the public policy, as clearly enunciated by the Board of Supervisors, is to do everything reasonably necessary and appropriate to preserve and maintain properties of a historic nature. In this case the County, through the Planning Division, is demanding destruction of historic structures and has held up appropriate restoration for over two years.

Given the format of the Compliance Agreement, which imposed no obligations on the County, kept opaque how the County would move forward and imposed draconian obligations on our client, it is apparent this was always intended by you and your staff to be a one way street. That has not been my experience with your predecessors. However much there may have been disagreements in multiple project issues, your predecessors, whether Kim or Chris, always sat down at a table and had an honest and frank conversation. While there were disagreements, we found our way through them and projects moved forward. Not so since you have become the Planning Director, exhibiting a lack of flexibility and vision.

I say the foregoing, having in mind and your file documenting our request that there be a conversation before any draft Compliance Agreement was drafted so that we could talk through issues, avoid conflicts and at least identify areas of agreement and disagreement with the idea being to move as much as possible forward cooperatively. All of our efforts in this regard were ignored. You and your staff refused to sit down and have a conversation about what would be contained within a Compliance Agreement so that we could get this accomplished. Then, after

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County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.24 - June 6, 2023 Letter
from Peter Goldenring to Dave
Ward



Mr. David Ward
June 6, 2022
Page 2

the Compliance Agreement was received, we again reached out seeking a conversation and a meeting. Again, we were rebuffed. Worse, throughout this whole process we asked that aspects of our client's property be permitted to proceed and sought to have a channel of communication in that regard consistent with what we understood to be the agreements by your office to move forward at least in non-disputed areas. These requests were also ignored and rebuffed.

In our view, this is reflective of an intent to undermine our client's project and the preservation of the historic structures. As we have repeatedly stated, given the madness of what is going on with the County Planning Division, our client would be far better off just bulldozing all of the historic structures and building a 20,000 square foot house – something that you have admitted is permissible with minimal approvals. Congratulations on assisting and encouraging the destruction of historic buildings.

With the aforementioned in mind, we previously demanded refund of all the fees associated with the Compliance Agreement. You have not responded. The fees obtained, based upon what unambiguously appear to be false or misleading representations by the Planning Division, must be refunded. If this is not confirmed as being approved and in process within the next several days, we will understand that the County is refusing this request for refund. In such a circumstance, we anticipate moving forward as legally permitted in due course. To the extent a claim is required by the County for refund, you may consider the prior correspondence to be that claim and all timelines associated run from that date.

Nothing herein shall be deemed to limit, modify or alter the legal rights and entitlements of our client, all of which are reserved.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

A handwritten signature in black ink, appearing to read "Peter Goldenring / sh".

By: PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Ward6/6/2022



June 16, 2022

Mr. Peter A. Goldenring, Esq.
Pachowicz & Goldenring
A Professional Law Corporation
6050 Seahawk Street
Ventura, CA 93003-6622

Also sent via email to: peter@gopro-law.com

**SUBJECT: Response to Peter A. Goldenring's June 6 and 14, 2022 Letters
Concerning the Board of Supervisors Hearing Date and a Request for
a Refund Related to Billiwhack Ranch Appeal**
Appeal No. PL20-0032
Violation Case No. CV19-0100
2275 Aliso Canyon Road, unincorporated area of Ventura
Assessor's Parcel Numbers 064-0-130-125 and -145

Dear Mr. Goldenring:

The Planning Division has received your two letters dated June 6 and June 14, 2022, confirming the date of your client's appeal to the Board of Supervisors and requesting a refund of the compliance agreement preparation fees.

Your client's appeal to the Board of Supervisors has been confirmed and scheduled for 1:30 p.m. on September 20, 2022. If you have questions about the Board of Supervisors hearing procedures, please contact the Clerk of the Board at 805-654-2251 or by email at: Clerkoftheboard@ventura.org.

I have reviewed your request for a refund of the \$676 nonrefundable compliance agreement preparation fee that is set forth in the most current Board-adopted Planning Division Fee Schedule. Although the compliance agreement was not executed by the parties, the Planning Division provided the service of drafting the agreement, which took approximately 20 hours to prepare. This time consisted of drafting the agreement, responding to emails and letters, meeting with management and County Counsel, and working with topic area experts (i.e., Cultural Heritage Planner). The nonrefundable fee is a cost for the service of preparing the compliance agreement and not based on whether the agreement was executed. Despite the fact that many more hours were spent working on this complex compliance agreement than are covered by the "fixed-fee," your client was not billed for the costs exceeding the specified amount. For this reason, a refund of the nonrefundable compliance agreement preparation fee is denied.

County of Ventura
Board of Supervisors Hearing
PI20-0032

Exhibit 3.25 - June 16, 2022 Letter
from Dave Ward to Peter Goldenring

My staff have been working towards resolution with your client for several years. Attached for your review is a summary of the total number of hours the Planning Division has spent working on this appeal case, which does not include the Code Compliance Division's time spent related to the open enforcement case. The County's costs to process the appeal to the Planning Commission totaled \$15,251.46 (i.e., approximately 91 hours). This appeal was denied by the Planning Commission and therefore, the appellant was required to (and did) pay all costs incurred to process the appeal. Since the August 27, 2020 Planning Commission hearing, the County's costs to process your client's appeal to the Board of Supervisors (that was scheduled for October 5, 2021, but was ultimately postponed by your client) totals \$16,437.70 (i.e., approximately 98 hours). These costs do not include the additional 20 hours spent working on the compliance agreement.

Should the appeal of the Planning Commission's action be granted in full or in part by the Board of Supervisors at the September 20, 2022 hearing, the costs of this appeal, in full or in part, will be absorbed by the Resource Management Agency. However, if the appeal is denied by the Board of Supervisors, your client will be responsible for all County costs incurred to process the appeal of the Planning Commission's action to the Board of Supervisors.

If you have any questions about the Billiwhack appeal case, please contact the case planner, Ms. Franca Rosengren, at Franca.Rosengren@ventura.org or by phone at 805-654-2045.

Sincerely,



Dave Ward, AICP, Director
Ventura County Planning Division

Attachments: Peter A. Goldenring's June 6 and 14, 2022 Letters
Summary of County Time Spent Working on Appeal Case PL20-0032 – Board Appeal

c: Rick and Tracy Cortez, Billiwhack Ranch LLC, 3048 North Coolidge Avenue, Los Angeles, CA 90039; and via email
John Hecht, Sespe Consulting, via email
Maruja Clensay, Aide for Board of Supervisor La Vere, via email
Code Compliance Division Staff, via email

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622
June 14, 2022

T: 805.642.6702
F: 805.642.3145

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

As of this date, there have been no further communications from you on the following:

1. You asked for advisement of preferential dates concerning the proceedings before the Board of Supervisors. I responded with the date of September 20, 2022. You have not confirmed that the preferred date has been calendared. Our team has calendars and conflicts and they will become increasingly problematic if we cannot get a confirmed date. I do not understand the lack of follow up in this regard.

2. We have requested a refund of the fee you demanded for preparation of the defective Compliance Agreement. You have not responded to our several requests for refund. Do we need to sue the County? The correspondences should be considered by you and the County as formal demands for payment/claims and the County must make a decision whether it wants to litigate the issue.

Please advise concerning the above referenced promptly.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation


By: PETER A. GOLDENRING

PAG/sah
cc: John Hecht, jhecht@sespe.com

Camarillo Location:
4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012
T: 805.987.4975
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June 6, 2022

Via Email dave.ward@ventura.org

Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

I have returned from vacation and had the chance to more thoroughly review your May 26, 2022, correspondence. It is clear that there was never any good faith intent on behalf of the Planning Division to move any aspect of this matter forward. The Planning Division continues to demand that this project be a round peg forced into a square hole. The Planning Division continues to have any lack of vision nor recognize that the public policy, as clearly enunciated by the Board of Supervisors, is to do everything reasonably necessary and appropriate to preserve and maintain properties of a historic nature. In this case the County, through the Planning Division, is demanding destruction of historic structures and has held up appropriate restoration for over two years.

Given the format of the Compliance Agreement, which imposed no obligations on the County, kept opaque how the County would move forward and imposed draconian obligations on our client, it is apparent this was always intended by you and your staff to be a one way street. That has not been my experience with your predecessors. However much there may have been disagreements in multiple project issues, your predecessors, whether Kim or Chris, always sat down at a table and had an honest and frank conversation. While there were disagreements, we found our way through them and projects moved forward. Not so since you have become the Planning Director, exhibiting a lack of flexibility and vision.

I say the foregoing, having in mind and your file documenting our request that there be a conversation before any draft Compliance Agreement was drafted so that we could talk through issues, avoid conflicts and at least identify areas of agreement and disagreement with the idea being to move as much as possible forward cooperatively. All of our efforts in this regard were ignored. You and your staff refused to sit down and have a conversation about what would be contained within a Compliance Agreement so that we could get this accomplished. Then, after

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Mr. David Ward
June 6, 2022
Page 2

the Compliance Agreement was received, we again reached out seeking a conversation and a meeting. Again, we were rebuffed. Worse, throughout this whole process we asked that aspects of our client's property be permitted to proceed and sought to have a channel of communication in that regard consistent with what we understood to be the agreements by your office to move forward at least in non-disputed areas. These requests were also ignored and rebuffed.

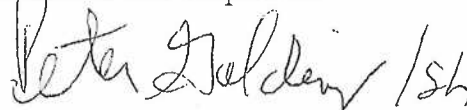
In our view, this is reflective of an intent to undermine our client's project and the preservation of the historic structures. As we have repeatedly stated, given the madness of what is going on with the County Planning Division, our client would be far better off just bulldozing all of the historic structures and building a 20,000 square foot house – something that you have admitted is permissible with minimal approvals. Congratulations on assisting and encouraging the destruction of historic buildings.

With the aforereferenced in mind, we previously demanded refund of all the fees associated with the Compliance Agreement. You have not responded. The fees obtained, based upon what unambiguously appear to be false or misleading representations by the Planning Division, must be refunded. If this is not confirmed as being approved and in process within the next several days, we will understand that the County is refusing this request for refund. In such a circumstance, we anticipate moving forward as legally permitted in due course. To the extent a claim is required by the County for refund, you may consider the prior correspondence to be that claim and all timelines associated run from that date.

Nothing herein shall be deemed to limit, modify or alter the legal rights and entitlements of our client, all of which are reserved.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

A handwritten signature in dark ink, appearing to read "Peter Goldenring /sh".

By: PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Ward6/6/2022

resource name	period ending date	project	project description	line description	hour total for line	Mon	Tue	Wed	Thr	Fri
Rosengren, Franci	9/5/2020 (8/31)	AP200000002	7406 PC Appeal of denied ZC19-0684 & ZC19-1390	Appeal PL20-0032	1	1	0	0	0	0
					1					
Rosengren, Franci	9/19/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032	0.2	0.2	0	0	0	0
Rosengren, Franci	9/26/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	2.7	2.5	0	0	0.2	0
Rosengren, Franci	10/17/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.7	0	0	0	0.7	0
Rosengren, Franci	11/7/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack appeal	1	1	0	0	0	0
Rosengren, Franci	11/14/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack Appeal	1	0	0	0	1	0
Rosengren, Franci	11/21/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack Appeal	1.5	0.6	0	0.1	0.8	0
Rosengren, Franci	11/28/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack Appeal	0.9	0.6	0.3	0	0	0
Rosengren, Franci	12/31/2020	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.9	0.4	0	0	0.5	0
Rosengren, Franci	1/9/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	10	4	2.5	0	3.5	0
Rosengren, Franci	1/16/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.8	0	0	0.6	0.2	0
Rosengren, Franci	1/30/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.2	0	0.2	0	0	0
Rosengren, Franci	2/13/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	1.9	0	0.4	0	1.5	0
Rosengren, Franci	2/27/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	1.9	0.8	0	1.1	0	0
Rosengren, Franci	3/6/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.8	0	0.8	0	0	0
Rosengren, Franci	3/13/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	2.7	2	0	0.7	0	0
Rosengren, Franci	3/20/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.4	0.4	0	0	0	0
Rosengren, Franci	3/27/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.7	0	0.5	0.2	0	0
Rosengren, Franci	5/29/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	0.2	0	0	0	0.2	0
Rosengren, Franci	6/5/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	1.5	0	1.5	0	0	0
Rosengren, Franci	6/26/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Appeal Billiwhack	0.3	0.3	0	0	0	0
Rosengren, Franci	7/17/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	0.2	0	0	0.2	0	0
Rosengren, Franci	7/24/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack Appeal	1	0	0	0.3	0	0.7
Rosengren, Franci	8/7/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	0.6	0.4	0.2	0	0	0
Rosengren, Franci	8/14/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	0.3	0	0	0	0	0.3
Rosengren, Franci	8/21/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	6.4	2.8	0.2	0	2	1.4
Rosengren, Franci	8/28/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	5.8	0.7	4.3	0	0.8	0
Rosengren, Franci	9/4/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	1.4	0	0.7	0.7	0	0
Rosengren, Franci	9/18/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	11.1	5.7	2.1	3.3	0	0
Rosengren, Franci	9/25/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	4.2	0	1.5	0	2.7	0
Rosengren, Franci	10/2/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	12.8	1.7	1	2.8	2.4	4.9
Rosengren, Franci	10/9/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	0.1	0	0.1	0	0	0
Rosengren, Franci	10/16/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack	1.6	1.1	0	0.1	0	0.4
Rosengren, Franci	10/23/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	3.3	0	3.3	0	0	0
Rosengren, Franci	11/20/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack	1.7	0	1.3	0.4	0	0
Rosengren, Franci	11/27/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack	0.4	0.3	0.1	0	0	0
Rosengren, Franci	12/4/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack	0.7	0	0	0	0.7	0
Rosengren, Franci	12/11/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack	0.9	0	0	0.6	0.3	0
Rosengren, Franci	12/31/2021	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	AP20-0005 Billiwhack	0.3	0.1	0	0.2	0	0
Rosengren, Franci	2/26/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Appeal Billiwhack	0.5	0	0	0.5	0	0
Rosengren, Franci	3/5/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Appeal Billiwhack	4	2.3	0.2	0	1.5	0
Rosengren, Franci	3/12/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Appeal Billiwhack	1.3	0	0	0.1	1.2	0
Rosengren, Franci	3/19/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Appeal Billiwhack	0.4	0	0	0	0	0.4
Rosengren, Franci	4/23/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	pl20-0032	0.5	0	0	0	0.5	0
Rosengren, Franci	5/7/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack Appeal	0.7	0	0	0	0.7	0
Rosengren, Franci	5/14/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	PL20-0032 Billiwhack Appeal	6.5	3.4	1.3	1.5	0	0.3
Rosengren, Franci	5/28/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Appeal Billiwhack	1	0	0	0.8	0.2	0
Rosengren, Franci	6/11/2022	AP200000005	7406 BOS Appeal of denied ZC19-0684 & ZC19-1390	Billiwhack Appeal	0.2	0.2	0	0	0	0
					98.2					



July 8, 2022

Mr. Goldenring
6050 Seahawk Street
Ventura, CA 93003-6622

SUBJECT: Billiwhack Ranch LLC, 2275 Alison Canyon Road – Proposed Cultural Heritage Ordinance (CHO) Inquiry

Dear Mr. Goldenring,

Thank you for your correspondence dated July 6, 2022. I wanted to reach out to clarify that your client originally submitted a cultural heritage Certificate of Appropriateness application (CH19-0021) for demolition of structures at the Billiwhack Ranch, a designated County Site of Merit located at 2275 Aliso Canyon Rd., Santa Paula, back in 2019. This Certificate of Appropriateness was reviewed by the Cultural Heritage Board (CHB) at hearings held on August 12, 2019 and September 9, 2019. The CHB denied the Certificate of Appropriateness request on September 9, 2019. The mandatory 180-day waiting period following denial of the Certificate of Appropriateness ended on March 8, 2020. This concluded the process with the CHB for this application.

As of this writing, the Planning Division has not received a subsequent Certificate of Appropriateness or Certificate of Review application that is known to still be pending for this site due to project revisions and site plan clarifications necessary to conform to the regulations of the Non-coastal Zoning Ordinance (NCZO). We are therefore unable to comment on how the new proposed CHO would impact a scope of work that has not yet been defined or submitted.

However, it's worth noting that the proposed CHO amendments do not fundamentally alter the procedures in place for review of potential historic resource impacts to County Sites of Merit. Any future projects proposed at Billiwhack Ranch would be evaluated for conformance with the NCZO and to determine whether a Certificate of Appropriateness or a Certificate of Review is required. In the case of a Certificate of Review, this consists of comments/feedback from the CHB or Planning staff. In the case of a Certificate of Appropriateness, a denial of proposed alterations or demolition would result in another mandatory 180-day waiting period before issuance of any Planning and/or building permits.

As always, the California Historic Building Code (CHBC) remains available as a potential avenue for your client as far as alternative building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation,

relocation, or continued use of a qualified historical structure – so long as that proposed activity has been reviewed and acted upon by the CHB. Please note that the CHBC does not negate County zoning regulations. Application of the CHBC to this site does not fall within the purview of the CHB or the Planning Division. Rather, the County's Chief Building Official, Ruben Barrera, and his staff administer this program as it impacts the application of current building and safety codes.

The Clerk of the Board has posted the agenda package for the July 12, 2022 Board hearing. This item is No. 59 and those materials may be accessed at the following link: <https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/>. If the Board gives direction to adopt, and the ordinance receives a second reading on July 26, 2022 then the ordinance effectiveness date is anticipated to be August 25, 2022.

If you have any questions about this letter and the draft CHO ordinance amendment, please contact Dillan Murry at 805-654-5042 or Dillan.murry@ventura.org.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dave Ward", is positioned above a horizontal line.

Dave Ward, AICP, Planning Director

c: Franca Rosengren, Senior Planner
Dillan Murry, Assistant Planner
Billiwhack File

Attachment: July 6, 2022 Goldenring Letter

PACHOWICZ | GOLDENRING

A Professional Law Corporation

Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

July 6, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

It has come to our attention, without any affirmative effort of communication from the Planning Division, that the Planning Division has been in the process of a material revision of the Cultural Heritage Ordinance. When we learned of this, we asked several questions to your staff, including:

1. Is this retroactive such that it would cover our client's long delayed application and processing?
2. How or in what manner do these changes affect our client's property and application?
3. If there are changes that will affect our client, what are they and why would that be appropriate to be applied to a pending application when our client was never given any notice or advisement of this amendment process and an opportunity for input?

There has been no response from you or your staff.

Given that this matter is being presented to the Board of Supervisors momentarily, we ask for these questions to be clearly answered in writing within the next two business days. While we appreciate that two business days is relatively short, these requests and inquiries have been outstanding since we first learned of this modification weeks ago yet no one has bothered to follow up at all.

Camarillo Location:

4055 Mission Oaks Blvd., Suite A
Camarillo, CA 93012

T: 805.987.4975
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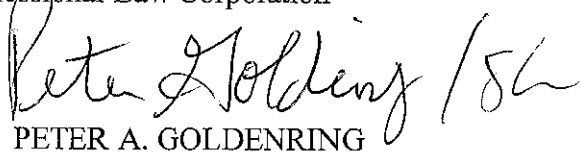


Mr. David Ward
July 6, 2022
Page 2

We reserve all rights on behalf of our client in connection with this matter.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

186
By: PETER A. GOLDENRING

PAG:nc
cc: John Hecht, jhecht@sespe.com
Ward7/6/2022

PACHOWICZ | GOLDENRING

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Mailing Address:
6050 Seahawk Street, Ventura, CA 93003-6622

T: 805.642.6702
F: 805.642.3145

July 11, 2022

Via Email dave.ward@ventura.org
Mr. David Ward
Resource Management Agency-Planning Division
800 South Victoria Avenue
Ventura, California 93009

Re: Our Client: Billiwhack Ranch, LLC
Property Address: 2275 Aliso Canyon Road
APN: 064-0-130-145

Dear Mr. Ward:

Thank you for your correspondence of July 8, 2022. In light of this matter coming before the Board of Supervisors shortly, I ask that you ensure that the Administrative Record reflect the communications from this office on behalf of our client that pertain to and concern the issue of the Cultural Heritage Board and the Cultural Heritage Ordinance. These should include the communications on the topic, as well as the most recent ones to you and your staff concerning the amendment to the Cultural Heritage Ordinance.

I appreciate your correspondence and it seems to us that there is a clear delineation, at long last, as to the disconnect. In this regard, we refer you to the California Historical Building Code as described by the California State Office of Historic Preservation which, as you know, is a state agency and thus preempts local ordinance:

“One of California’s most valuable tools for the preservation of historic resources is the California Historical Building Code (CHBC) which is defined in Sections 18950 to 18961 of Division 13, part 2.7 of Health and Safety Code. The CHBC is intended to save California’s architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC provides alternative building regulations for permitting, repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use or continued use of qualified historical buildings or structures.” (Emphasis added.)

As you will note, the language is clear. The CHBC is not limited to wiring, wall sockets, plumbing and similar. The overriding purpose of the state statute and the regulations associated is to accomplish adaptive reuse of historic buildings, including repurposing.

Camarillo Location:

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Camarillo, CA 93012

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County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.27 - July 11, 2022 Comment Letter
from Peter Goldenring to Dave Ward



Mr. David Ward
July 11, 2022
Page 2

There is no way to read the state statute, given its specific intent as articulated by the Legislature and the Office of Historic Preservation, in a manner that would allow a local zoning ordinance to be applied as you and your staff are seeking to apply it to Billiwhack Ranch. Neither is there any way to read the CHBC to allow you and your staff to use the Cultural Heritage Board and the application of the ordinance to delay, obstruct and impede the rehabilitation and repurposing of the 100 year old structures on our client's property as has occurred. A reading of all the materials from the Office of Historic Preservation, as well as the legislative intent and the statutes themselves make clear that when the County of Ventura took our client's project to the CHB and it was denied, at the end of 180 days the County was required to allow the project to proceed. There is no path permissible to what the County did – take our client to the CHB, obtain a denial, wait 180 days and then deny the project. That was a fundamental violation of our client's rights and constitutes a continued taking as a matter of law.

We have repeatedly stated to you that we view our client's property to be in the situation of a round peg with a square hole. You and your staff are unwilling to recognize that and insist on applying the current zoning limitations in a manner that prohibits the restoration, preservation, rehabilitation, change of use and continued use of a series of 100 year old buildings that are worthy of protection.

The letter I wrote you, to which you responded, asked several questions and while we appreciate your letter, it does not directly change this other than to say that you do not believe the proposed amendments (fundamentally alter the procedures in place). Maybe they do and maybe they do not but my question was direct: do these amendments apply to our client's long delayed project. You claim that you are unable to comment on this. Thus, you and your staff are presenting amendments to a County ordinance while an existing project is pending and neither you or your staff are willing to commit one way or the other on this important issue. Unfortunately, we find that to be quite concerning. Please ensure that this correspondence, along with all the other applicable communications, are provided to the Board of Supervisors in connection with the pending ordinance proposed change.

Very truly yours,

PACHOWICZ | GOLDENRING
A Professional Law Corporation

A handwritten signature in blue ink that reads "Peter A. Goldenring/n". The signature is fluid and cursive, with a stylized "n" at the end.

By: PETER A. GOLDENRING

PAG:nc
Ward7/11/2022

Murray, Dillan

From: Murray, Dillan
Sent: Wednesday, July 6, 2022 11:39 AM
To: 'G&P Attorneys'
Subject: RE: FW: SHPO review of cultural heritage ordinance amendment

Hello,

As mentioned, SHPO staff raised issues related to the treatment of Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources. The tracked changes to the proposed ordinance following County staff's meeting with SHPO staff are noted in green below (Sections 1369 and 1371 of the proposed ordinance):

Sec. 1369. CULTURAL HERITAGE PROGRAM REQUIREMENTS AND PROHIBITIONS.

Sec. 1369-1. List of Properties Potentially Eligible for Cultural Heritage Site Designation. The County Resource Management Agency shall maintain record of known *Potential Cultural Heritage Sites* within its applicable land use permitting system. Said list shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

Sec. 1369-2. Survey Results. Any list of *Cultural Heritage* resources which may be eligible for designation as *Cultural Heritage Sites* resulting from a historic survey shall contain a statement indicating, where appropriate, that sites are private and not open to the public.

Sec. 1369-3. Local Register of Historic Places. The County Resource Management Agency shall maintain a register of designated *Cultural Heritage Sites*. Said register shall also include Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources.

Sec. 136671. PROCESS FOR CERTIFICATE OF APPROPRIATENESS

~~Sec. 1371-1. Certificates of Appropriateness shall be required for categories of sites only: 1. Landmarks; 2. Points of Interest; Demolition of Sites of Merit; 4. Demolition of Potential sites; Cultural Sites; and 5. Designated Cultural Heritage Sites seeking when a Development Permit is being sought for the property pursuant to 37 (Cultural Heritage Sites Deviations) of the Ventura County Zoning Ordinance and 6. Sites listed on the National Register of Historic Places or the State Register of Historical Resources that require a permit from the Management Agency. A Certificate of Appropriateness (and a Conditional Certificate of Appropriateness) are authorizations issued by the Cultural Heritage Board or its designee in accordance with criteria adopted by the Board pursuant to Sec. 1371-4 which indicate that the proposed maintenance, restoration, rehabilitation, remodeling, addition, change of use, relocation, or subdivision of a designated Cultural Heritage Site will affect its cultural heritage values; or unduly compromise the potential site to become a designated Cultural Heritage Site. A Certificate of Appropriateness may be approved for a project as proposed, or with applicant modifications, or denied by the Cultural Heritage Board.~~

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

P. (805) 654-5042 | F. (805) 654-2509

800 S. Victoria Ave., L #1740 | Ventura, CA 93009-1700

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COUNTY of VENTURA
Resource Management Agency

Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Murray, Dillan

Sent: Wednesday, July 6, 2022 11:26 AM

To: G&P Attorneys <peter@gopro-law.com>

Subject: RE: FW: SHPO review of cultural heritage ordinance amendment

Hello,

I apologize for any confusion caused; please find re-attached the correspondence received from SHPO along with the PDF attachment referenced. This is the extent of comments received from SHPO on the proposed amendments.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>

Sent: Wednesday, July 6, 2022 11:20 AM

To: Murray, Dillan <Dillan.Murray@ventura.org>

Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Since I know you to be competent I have to assume this is intentional.

1. you now attach a pdf transmittal email WITH NO ATTACHMENTS OR ENCLOSURES though those are referenced in the document.

2. you claim to have previously forwarded the attached June 28 email. Please provide proof thereof.

At this point I have to believe county staff is for whatever reason making this purposefully difficult and absent an explanation I likely

will be communicating to certain supervisors what is going on in county planning

P

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702
Fax (805) 642-3145

On Wed, Jul 6, 2022 at 11:15 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

Also attached is the email correspondence from SHPO transmitting their comment letter. The comment letter I provided previously is the extent of their comments. County Staff held a call with SHPO staff to discuss the proposed ordinance amendments on June 22, 2022. Per this meeting, revisions were made in two areas of the draft ordinance to address issues raised related to the treatment of Ventura County sites listed in the National Register of Historic Places and California Register of Historical Resources. Please let me know if you have any further questions.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>
Sent: Wednesday, July 6, 2022 11:00 AM
To: Murray, Dillan <Dillan.Murray@ventura.org>
Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

your letter does NOT provide their comments nor include anything about a meeting referenced. please provide everything, not just the cover letter and nothing behind it.

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702

Fax (805) 642-3145

On Wed, Jul 6, 2022 at 9:03 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

As requested, please find the SHPO response to the County attached. Apologies for the delay; I was out for a portion of last week due to covid matters.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>
Sent: Monday, May 23, 2022 12:13 PM
To: Murray, Dillan <Dillan.Murray@ventura.org>
Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

thx for your prompt response and courtesy

Peter

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702

Fax (805) 642-3145

On Mon, May 23, 2022 at 11:44 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

As of this writing, Planning Division staff has not received any response from OHP or any further communications from their office. I will keep you apprised on any developments.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: G&P Attorneys <peter@gopro-law.com>

Sent: Monday, May 23, 2022 10:36 AM

To: Murray, Dillan <Dillan.Murray@ventura.org>

Subject: Re: FW: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

thx for the below. please advise if you have rec'd any response from Sacramento or any further communication as of today? and if not, then kindly make sure that if and when any communication is rec'd I get a copy concurrently. hope that can happen without my having to continue to request it.

thx

Peter

Peter Goldenring

Pachowicz | Goldenring APLC
6050 Seahawk Street
Ventura, CA 93003
Phone: (805) 642-6702

Fax (805) 642-3145

On Tue, May 17, 2022 at 8:15 AM Murray, Dillan <Dillan.Murray@ventura.org> wrote:

Hello,

Please see the below email message and attachments per your request.

Thank you,



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Murray, Dillan
Sent: Wednesday, April 13, 2022 2:30 PM
To: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>
Subject: RE: SHPO review of cultural heritage ordinance amendment

Hi Shannon,

By this email I am providing the draft ordinance amendments for your review. Please find attached the following:

- Exhibit 1: Ventura County's current Cultural Heritage Ordinance No. 4225
- Exhibit 2: The Draft CHO Amendment (legislative version)
 - Within Exhibit 2, staff proposed text amendments are shown in red font color, Ventura County Cultural Heritage Board (CHB)-proposed text amendments following their March 14, 2022 hearing on the draft amendments are shown in blue font color, and CHB-proposed text amendments following their March 28, 2022 hearing are shown in purple font color.
- Exhibit 3: The Draft CHO Amendment (clean version)

This item is anticipated to go before the Ventura County Board of Supervisors for their review and approval in July 2022.

Please let me know if you have any questions or need additional information or alternative formats. Thank you for your time on this review.



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>

Sent: Wednesday, April 13, 2022 1:26 PM

To: Murray, Dillan <Dillan.Murray@ventura.org>

Subject: RE: SHPO review of cultural heritage ordinance amendment

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Hi Dillan,

Yes, our unit can review the draft amendments to the County's preservation ordinance, and we will be able to provide feedback within three weeks. Do you have a sense of when you will be sending the draft for review?

Best,

Shannon

Shannon Lauchner Pries

Historian II

Local Government & Environmental Compliance Unit

California Office of Historic Preservation

1725 23rd Street, Suite 100

Sacramento, CA 95816

www.ohp.parks.ca.gov

From: Murray, Dillan <Dillan.Murray@ventura.org>

Sent: Wednesday, April 13, 2022 11:11 AM

To: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>

Subject: RE: SHPO review of cultural heritage ordinance amendment

Hi Shannon,

I wanted to follow up on this request from a while back. My office is ready for OHP's review of the draft ordinance amendments. Are you still in a position to provide this review? If so, is a review period of 3 weeks anticipated to be workable?

Thank you for your time.



Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>
Sent: Wednesday, September 8, 2021 1:53 PM
To: Murray, Dillan <Dillan.Murray@ventura.org>
Subject: RE: SHPO review of cultural heritage ordinance amendment

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

Hi Dillan,

I just spoke with Cindy (Lucinda) and she suggested that I take on the review of your ordinance. Please feel free to email me with a copy of the existing ordinance and a draft of the updated ordinance when you are ready. I also recommend suggesting deadline for our comments.

Let me know if you have any questions.

All the best,

Shannon

Shannon Lauchner Pries

Historian II

Local Government & Environmental Compliance Unit

California Office of Historic Preservation

1725 23rd Street, Suite 100

Sacramento, CA 95816

916.445.7013

From: Murray, Dillan <Dillan.Murray@ventura.org>

Sent: Wednesday, September 8, 2021 11:50 AM

To: Woodward, Lucinda@Parks <Lucinda.Woodward@parks.ca.gov>; Pries, Shannon@Parks <Shannon.Pries@parks.ca.gov>

Subject: RE: SHPO review of cultural heritage ordinance amendment

Hello,

Following up on this. The County of Ventura CLG Agreement contains the following provision regarding our historic preservation ordinance:

5) The Participant shall enforce its historic preservation ordinance, a copy of which is incorporated herein as Exhibit B; the Participant shall obtain the prior approval of the SHPO for any amendments to said ordinances.

The County is now initiating an update to our cultural heritage ordinance. I'd like to understand your office's role in reviewing the draft changes, including review loop, time necessary, etc. I would appreciate any information you can provide on that front.

Thank you for your time.

Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Murray, Dillan
Sent: Wednesday, July 7, 2021 5:42 PM
To: 'Woodward, Lucinda@Parks' <Lucinda.Woodward@parks.ca.gov>
Subject: RE: SHPO review of cultural heritage ordinance amendment

Hi Lucinda,

I wanted to follow up on this in case you had any information to provide.

Thanks!

Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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800 S. Victoria Ave., L #1700 | Ventura, CA 93009-1700

Visit our website at vcrma.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

From: Murray, Dillan

Sent: Wednesday, June 16, 2021 2:15 PM

To: Woodward, Lucinda@Parks <Lucinda.Woodward@parks.ca.gov>

Subject: SHPO review of cultural heritage ordinance amendment

Hello,

I understand per the County of Ventura's CLG agreement that the County is required to obtain the prior approval of the SHPO for any amendments to our Cultural Heritage Ordinance (CHO).

The County is planning to prepare an amendment to our CHO this year. I'm wondering if you can provide me any additional information on what SHPO's needs are in terms of materials (and transmission thereof), review time, etc so that I can build that into the project schedule.

Thank you,

Dillan Murray | Assistant Planner

Planning Division

Dillan.Murray@ventura.org

Ventura County Resource Management Agency

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Visit our website at vcrma.org

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Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

Ventura County Board of Supervisors
Hall of Administration
800 S. Victoria Ave.
Ventura, CA 93009

July 12, 2022

Dear Members of the Board of Supervisors:

I write this as a property owner with a Bachelor of Architecture degree, 40 years in the architecture and construction industry, 30 years running architecture, construction, a custom steel door and window company with my husband, and decades of experience with multiple municipalities, codes, architecture review boards, and historical boards. My husband and I own a Site of Merit in Ventura County and have been working for three and a half years get our historic renovation approved. I follow the codes, State Law, and historic preservation alternatives where offered. 95% of people I have met in Ventura county have had a similar experience as ours which is to say people are confused and project approvals are extremely lengthy and costly when it should not be the case. The goal should be understanding a project path at the start and following it through clearly and cleanly. Other municipalities we have worked with have been motivated to help us work through our projects.

I am sharing my review of the 2022 CHO Amendment to give you my professional opinion based on my personal experience. It is meant to be an insight into what property owners go through and how it could be made better. I have read the original CHO first adopted in 1968, every amendment, and all accompanying BOS meeting minutes. I have a very clear understanding of how it has changed and why changes were implemented.

What the CHO is:

1. An ordinance that serves the people of Ventura County by preserving historical sites while allowing due process for the rights of individuals, particularly as related to property rights.
2. Advisory in nature

How the current CHO and Historic Preservation requirements are conveyed to the public and property owners:

3. As a regulatory (not advisory) process through Planning Staff, the CHB, the CHO, and the Public Information brochures (PIB). Each of these departments lead property owners to believe CHB approval is a requirement and not meant to be educational. The following are a few of these leading, written statements:
 - o PIB: "The CHB is responsible for developing and enforcing guidelines..." this language is regulatory in nature, leading people to believe the CHB and CHO are regulatory. "Enforcing" would be better said as "applying" or "administering".
 - o PIB: The CHB reviews the proposed work to those [designated] properties to ensure that the significant architectural and historical features are not adversely affected. Because the CHB is advisory, this would be better conveyed as; The CHB reviews the proposed work to those properties to assist with and educate property owners in historically appropriate options.
 - o The public information brochures and other user friendly documents do not convey that the Cultural Heritage decisions are advisory and that the CHO contains a provision for waiting 180 days after denial and then continuing with the project. This information is kept quiet, even upon inquiry.
4. Lack of clarity, detail, and definition on many items (See issues with CHO and CHB below)

Issues with the CHO:

5. Some language was changed in the amendment to a level of exactness that the CHO and CHB should not require in its advisory role
 - o CHO 1363 uses the words reduce as a replacement of adversely affect and prevent as a replacement of unduly compromise in the definition of a COA as follows: Action taken affecting a potential or designated Cultural Heritage Site will not reduce its cultural heritage values or prevent the eligibility of a potential cultural heritage site to become a designated cultural heritage site. Reduce is subjective particularly in relation to 'values' and prevent is a standard that cannot be achieved by a property owner in relation to eligibility.
 - o 1369-7 uses the word prevent in the following way: "shall perform maintenance and repairs as needed to prevent the deterioration, decay or degradation of the property" which means the property owner will not allow all of the above to happen which is impossible. Using a term such as forestall is a better option as it means to delay, hinder, or prevent something by taking action beforehand.

- 1371-4 uses the word prevent in place of compromise as follows; the proposed would not prevent the potential future designation of the site. Compromise is the correct term to use. No one can be held to the standard of preventing something from occurring in the future.

Issues with the CHB:

6. Members often cannot gauge even the most basic “appropriate” or “character defining features” without an HRR which is time consuming and costly.
7. Board Members do not have the qualifications to perform certain duties of the CHB (those requiring a historian or historic qualifications). Property Owners cannot be held to standards that the CHB is not qualified to weigh in on.
8. Demolition is reinterpreted to require all SOMs and Potential Sites meet same requirements as Landmarks
9. Requirement of a COA is reinterpreted and applied to any modification to a Site of Merit or Potential Site
10. Use of CHBC is reinterpreted to only be available to Landmarks
11. Have claimed oversight of interiors on non-Landmark sites and exterior features not visible from the public right-of-way
12. Given the members are not required to have a historic background as they were in 1967, and given their duties have increased in complexity and knowledge, there should be at minimum the follow requirements of members: at least one member with education and/or relevant knowledge and interest in historical and cultural traditions of Ventura County, and there should be term limits for members.

Issues with the CHO:

13. Section 1370-2 California Historic Building Code use has been altered to include, among other things, “as defined by the Ventura County Building Code”. This is problematic as the CHBC is state law and allows use by any qualified historic site, which is defined, and is not based on the Ventura County Building Code. It also states that the CHBC is to be used “...when so elected by the private property owner.” Not when determined by the local agency. I recommend reverting to the prior version of the CHO on this issue. It was clear and correct..
14. There is a fundamental difference between a Landmark and a Site of Merit that was evident in the amended CHO when a Site of Merit was introduced. I believe it still exists in the current CHO but the CHB and Planning are reinterpreting the sections to meet their objectives. The biggest reinterpretation is the requirement of a COA for “demolition of Sites of Merit”. There was no definition of demolition and it was defined by staff as removing elements from a building. The BOS hearing notes from 2000 make clear that the goal of this requirement was the complete loss of buildings. Their COA requirements were clear. A COA is required for Landmarks. Period. A COA is required for demolition of Sites of Merit. Because SOMs are NOT Landmarks, they are not treated as Landmarks. By redefining the word demolition to mean “removal of any element” there is no reason to write “demolition of”. They would have just listed Sites of Merit in the same way they listed Landmarks. The amended CHO has a definition of Demolition which is much better and I appreciate the clarity.
15. Section 1366-1 gives the CHB authority to designate Cultural Heritage sites where the property owner has no objection however though a lengthy set of paragraphs and other sections it seems the BOS may designate a property against and owner’s objection. I would suggest this represents a taking of property that is private.
16. Section 1363 provides a definition for the term Integrity but has no reference to deterioration or survival. Section 1367 references integrity including deterioration and survival. I believe the definition should include these terms.
17. Section 1372 clarifying the COR process is sorely needed and I’m glad to see that it has been addressed.

How the CHB and CHO could be more effective:

18. Articulate and act in an advisory & educational role
19. Assist and act in partnership and collaboration with property owners in achieving their goals
20. Understand the ordinance as written
21. Do not reinterpret the meaning of any word or section without formal amendment of the ordinance
22. Be forthright about the process; help property owner’s achieve approval so they can begin their project immediately. Avoid the trap of requiring property owners to submit a project, go through the 3-6 month process to obtain answers that could have helped them submit properly the first time.
23. Let property owners know that if denied they may wait 180 days and then can move on with their plan of action. Let them know that the review and the 180 day wait is to encourage them to consider alternative preservation actions.

Thank you for your review and consideration.

Sincerely,
Tracy Cortez, Billiwhack Ranch



December 21, 2022

Tracy Cortez
1299 Inverness Drive
Pasadena, CA 91103

Additional copy sent by email to:
Tracy Cortez, tracy@racdb.com

SUBJECT: Correction Notice for Zoning Clearance Application No. ZC22-1424
Conversion of Structures and Interior and Exterior Improvements to
Existing Structures to Abate Violation CV22-0472
2275 Aliso Canyon Road, unincorporated area of Ventura
Assessor's Parcel Numbers (APN): 064-0-130-145

Dear Ms. Cortez:

The Planning Division reviewed your Zoning Clearance Application No. ZC22-1424, submitted on December 15, 2022, that includes a request to authorize the conversion of an existing agricultural/creamery building to a single-family dwelling (17,310 gross floor area (GFA)) (identified as Building 4 on the plans), the conversion of an existing 4,564 GFA animal keeping building to a farmworker dwelling unit (1,800 GFA) with the remaining as agricultural storage (2,764 GFA) (identified as Building 2 on the plans), and to designate the only remaining dwelling unit to a legal nonconforming farmworker dwelling unit (2,370 SF) (identified as Building H1 on the plans) to abate Code Compliance Violation No. CV22-0472.

The following structures are also existing on the property: storage and maintenance building (9,985 SF) (identified as Building 1A on the plans), agricultural barn (5,341 SF) (identified as Building 1 on the plans), equipment storage building (4,564 SF) (identified as Building 3 on the plans), ranch maintenance building (9,291 SF) (identified as Building 5 on the plans), ranch equipment storage building (5,356 SF) (identified as Building 6 on the plans), partially demolished caretaker dwelling unit (2613 SF) (identified as Building H2 on the plans), hammer mill barn (1,448 SF), and three grain silos (543 SF each).

Please make the minor corrections/clarifications provided below. Pursuant to the executed Compliance Agreement (CA22-0010), section 1(a), please provide the corrected plans directly to Franca Rosengren at Franca.Rosengren@ventura.org within 30 days of the date of this correction letter. The corrected plans shall be returned with a copy of this correction letter. To facilitate rechecking of plans, please indicate Sheet

Number, detail number and note number where the corresponding correction has been made.

A. Advisory Information

1. The scope of work of Zoning Clearance Application ZC22-1424 has been reviewed by Dillan Murray, Cultural Heritage Planner. Mr. Murray focused his attention on the changes that were not part of the original cultural heritage review under Certificate of Appropriateness Case No. CH19-0021. Some of the changes involve adding new windows and/or door where none existed before and replacing windows with a doors and vice versa (which has the potential to affect the exterior character defining features or integrity of the site), therefore the appropriate cultural heritage review application is a Cultural Heritage Board (CHB)-reviewed Certificate of Review (COR). The CHB has the authority to review and comment on the scope of work at a scheduled CHB public hearing. The CHB will advise the applicant on the effects of the scope of work on the cultural heritage site of merit using the Secretary of the Interior's Standards as a guide. Unlike a Certificate of Appropriateness (COA), there is no waiting period after the review and comment of a COR has been completed.

Once the Zoning Clearance Application ZC22-1424 corrections outlined below have been submitted to me and staff has deemed the scope of work consistent with the regulations of the Non-Coastal Zoning Ordinance (NCZO), staff will create a cultural heritage review account record in Citizen Access where you will pay for the COR application fee. After the fees are paid, Mr. Murray will proceed with the cultural heritage review and schedule a CHB public hearing. If you have any questions about the COR process, please contact Dillan Murray at Dillan.Murray@ventura.org and copy me on all correspondence.

2. After the cultural heritage review process, but prior to the issuance of the Zoning Clearance, a deed restriction in a form approved by the County shall be recorded with the County Recorder limiting the use of the two farmworker dwelling units to exclusively agricultural worker housing and setting forth the conditions and requirements applicable to such use (e.g., maintaining at least 30 acres of orchards per farmworker dwelling unit, only rented to full-time employed workers (minimum of 32 hours per week) pursuant to NCZO §8107-41.2.1(c). The property owner shall also be required to provide written disclosure of all such conditions and requirements before any sale, lease or financing of the subject property and dwelling units.
3. Pursuant to NCZO section 8107-41.2.3, the property owner of the subject property is required to submit an annual employment verification declaration, no later than May 15th of each year to the Planning Division to verify and declare that the farmworkers occupying the farmworker dwelling units meet the employment criteria established in NCZO section 8107-41.2.2 (NCZO §8107-41.2.3). More

information about this process can be found on the Planning Division website at: <https://vcrma.org/en/farmworkers-housing>. Failure to submit the annual employment verification by the annual deadline may result in the issuance of a Notice of Violation pursuant to NCZO section 8107-41.2.4.

B. Plan Corrections (All corrected plans shall have the revision date on the corrected plans so as not to cause future confusion.)

1. On Sheet A-1, under the “Existing & Proposed Building Uses & Floor Areas” table, please change the description of H1 to “Redesignate to Legal Nonconforming Farmworker Dwelling” under the “proposed use” column.
2. On Sheets A-1 and A-3, under the “Existing & Proposed Building Uses & Floor Areas” table, please update numbers in the column labeled Demo/Altered to reflect the areas of the buildings that need to be improved to change the occupancy of the buildings wherever a conversion/occupancy change is proposed (e.g. Building H2, Building No. 2, and Building No. 4).
3. On Sheet A-1, under “Scope of Work”, please revise the scope of work for Building H1 to state, “Current principal dwelling to be redesignated as legal nonconforming farmworker dwelling unit (2,185 GFA).”
4. On Sheet A-2, illustrate and delineate the area of the property that is planted in orchards to demonstrate the proposed farmworker dwellings are in compliance with the requirements of NCZO §8107-41.1.
5. On Sheet A-3, please revise text box for Building H1 to clarify that the unit is a redesignation to a legal nonconforming farmworker dwelling unit.
6. On Sheets A-4, A-5, and A-7, illustrate the existing awning located at the west side of the building where there is an existing opening and specify the status of the awning (e.g., to be demolished, existing awning, etc.).
7. On Sheet A-5, under the “Ground Level Proposed Floor Plan Building 4,” please clarify the following:
 - a. On the southern side of Bedroom 1.1, the plans show a letter “C” next to a window. It appears that this should be a door. Please replace the window illustration with a door illustration.
 - b. On the southern side of Passage 1.9, the plans show a letter “A,” which means that the steel windows will be repaired. However, there is an illustration of French doors. Please clarify. Additionally, photographs of this building show that there are existing barn doors adjacent to these sliding doors. Please illustrate them on the plans and provide their status.

- c. In the bathroom 1.21 that is located in the Laundry Room 1.20, the plans show a letter "A," which means that a steel window will be repaired. However, it appears that it is an existing door that will be removed and replaced with a window. Please clarify.
8. On Sheet A-7, please clarify the following:
 - a. Under the "Proposed South Elevation," please illustrate the location of the existing barn doors and clarify their status.
 - b. Under the "Proposed West Elevation," please clarify the correct "Door & Window Notes" for the window labeled as "C." It appears that this should be labeled as a new window, not a new door.
9. On Sheets A-8 and A-9, please explain on the plans how you will make the existing doors operable (e.g., new hardware).
10. On Sheet A-9, under "Proposed Floor Plan," the half bathroom in the proposed agricultural storage area of the building is about 51 square feet in size. A half bathroom in a detached non-habitable accessory structure can be no larger than 36 square feet (NCZO, section 8107-1.9(g)). Please revise the plans to show conformance with the development standard NCZO, section 8107-1.9(g).
11. On Sheet A-10, under "Scope of Work," please revise to reflect the building as the current principal dwelling to be redesignated as a legal nonconforming farmworker dwelling unit. Additionally, please illustrate on the plans the existing trellis.
12. Provide the chain link fence schematics and specifications. This information is required as part of the cultural heritage review.
13. Provide a Window and Door Schedule for the windows and doors that will be altered and/or replaced, which is different than the "Door & Window Notes" that are provided on the plans. A Window and Door Schedule must include the size, style, material, color, style of hardware, the manufacturer and the manufacturer's specifications, and the product series for each door/window alteration. The Window and Door Schedule will assist with the cultural heritage review process.
14. In addition to the Window and Door Schedule, please provide cut sheets for the new windows and doors. The cut sheets are required as part of the cultural heritage review.
15. Provide actual small-sized samples of the material that will be used in the new/altered window/doors, if possible. The samples will assist with the cultural heritage review process.

16. The scope of work of Zoning Clearance Application ZC22-1424 includes the authorization of two farmworker dwelling units (identified as Building H1 and Building 2 on the plans). Pursuant to Section 8107-41.2.2 of the NCZO, proof of qualifying employment for occupants of the farmworker dwelling units shall be provided at the time of permit approval (prior to the issuance of the Zoning Clearance), which can be satisfied by providing a combination of at least two of the following documents, as applicable:

- a. Employee's income tax return;
- b. Employee's pay receipts;
- c. Employer's DE-34 form;
- d. Employer's ETA 790 form;
- e. Employee's W-2 form;
- f. Employer's DLSE-NTE form;
- g. A document signed by both the employer and the employee, which states that the occupant of the farmworker dwelling unit is employed in agriculture, and includes the description of the employee's job duties; or,
- h. Other proof approved in writing by the Planning Director or designee.

Please provide staff with two of the above-referenced documents as part of your corrected plans. If the agricultural workers who reside in the units are retired or have become disabled and no longer work on the subject property, please provide two of the above-referenced documents from the time they were working on the subject property.

If you have any questions about this correction notice, please contact me at Franca.Rosengren@ventura.org or by phone at 805-654-2045.

Sincerely,



Franca A. Rosengren
Senior Planner
Ventura County Planning Division

C: Winston Wright, Planning Manager, RMA Planning Division, via email
Dave Ward, Planning Director, RMA Planning Division, via email
Dillan Murray, Cultural Heritage Planner, RMA Planning Division, via email
Dean Phaneuf, Code Compliance Supervisor, RMA Code Compliance Division, via email
Billiwhack Ranch LLC, 3948 N. Coolidge Avenue, Los Angeles, CA 90039

From: Van Gorder, Mike@HCD <Mike.VanGorder@hcd.ca.gov>
Sent: Tuesday, January 31, 2023 3:57 PM
To: Rosengren, Franca <Franca.Rosengren@ventura.org>; Wright, Winston <Winston.Wright@ventura.org>; Ward, Dave <Dave.Ward@ventura.org>
Cc: Bernd, Gerlinde@HCD <Gerlinde.Bernd@hcd.ca.gov>
Subject: RE: Meeting request

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Hi Franca -

Thank you kindly for meeting with me on the issue of the Billiwhack project. After consultation with management, it is HCD's position that Government Code section 65852.2 applies to any zone that permits residential development by-right. As the Agricultural Exclusive and Open Space zones permit single-family development, the county is required to comply with all relevant language in section 65852.2, including subdivision (e)(1)(A)(i), which requires ministerial approval of one ADU and one JADU when "...The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling **or accessory structure.**" For the purposes of ADU law, the designation of a primary residential dwelling renders other onsite structures accessory to that primary dwelling. Size maximums may not apply to units created in converted structures, as local development standards pursuant to subdivisions (a) through (d) may not preclude a unit created subject to subdivision (e). Therefore, NCZO section 8107-1.7.1, subdivision (a) conflicts with state law and must be amended to ministerially permit ADUs created in converted accessory structures without reference to a size limitation.



Mike Van Gorder
Housing Policy Analyst
Accountability and Enforcement Unit
Housing & Community Development
Phone: (916) 776-7541
2020 W. El Camino Avenue
Sacramento, CA 95833



County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.30- January 31, 2023 Email from Mike
Van Gorder, HCD Housing Policy Analyst to
Franca Rosengren

From: Tracy Cortez <tracy@studiocortez.com>
Sent: Wednesday, February 1, 2023 9:00 AM
To: Rosengren, Franca <Franca.Rosengren@ventura.org>
Cc: Prillhart, Kim <Kim.Prillhart@ventura.org>; Ward, Dave <Dave.Ward@ventura.org>
Subject: Re: Billiwhack and ADU laws

WARNING: If you believe this message may be malicious use the Phish Alert Button to report it or forward the message to Email.Security@ventura.org.

Franca, Kim, and Dave,

I received a response from HCD and understand that you did as well. The sections of the County's ordinance, preventing an approval of my ADU, are not in compliance with State Law as I outlined in my letter to Dave Ward in April of 2022. I am entitled to a ministerial ADU for building 4. I intend on resubmitting my ADU application to Building and Safety for review tomorrow. Is there anything I need to know before doing so? I do expect that I will not have to pay for plan check again.

Given building 4 will now be the ADU, H1 will return to it's primary dwelling designation assigned to it by County staff and Building 2 will remain as submitted. The Compliance Agreement will undoubtedly have to be revised to reflect this and the plans revised and resubmitted. Please confirm.

Thank you,

Tracy Cortez
Studio Cortez
3048 North Coolidge Avenue
Los Angeles, CA 90039
c | 213.308.0015
www.studiocortez.com

From: [Rosengren, Franca](#)
To: [Tracy Cortez](#)
Cc: [Prillhart, Kim](#); [Ward, Dave](#); [Verdin, Franchesca](#)
Subject: RE: Billiwhack and ADU laws
Date: Wednesday, February 1, 2023 5:33:52 PM
Attachments: [image001.png](#)

Hello Tracy,

The County disagrees with HCD's position on this. As explained previously, you are not entitled to convert the 17,000 square foot creamery building on your property to an ADU under the County's permitting rules or state law. Please be advised that if you apply for a building permit to convert the entirety of that structure to an ADU, your application will be denied. While you do have the option of developing an ADU on your AE-zoned property, such ADU must comply with the County's objective development standards including, but not limited to, the applicable size and height limitations, and will require a ministerial Zoning Clearance.

We will not revise your Compliance Agreement to allow you to convert the entire 17,000 square foot building to an ADU as this would be inconsistent with state law and conflict with the County's permitting rules.

Please let us know if you intend to move forward with the scope of work currently presented in your Zoning Clearance application, No. ZC22-1424.

Thank you,
Franca

Franca Abbatiello Rosengren | Senior Planner
Planning Permit Administration Section
Franca.Rosengren@ventura.org
805-654-2045



Billiwhack and ADU laws



Prillhart, Kim

To: Mike.VanGorder@hcd.ca.gov

Cc: Ward, Dave; Rosengren, Franca; Wright, Winston; Gerlinde.Bernd@hcd.ca.gov; Kadakia, Ruchita

You replied to this message on 2/2/2023 9:40 AM.



RE: 2275 Aliso Canyon Project
Outlook item



Combined SR.pdf
10 MB

Reply Reply All Forward

Wed 2/1/2023 5:57 PM

Open PDFs in Adobe Acrobat

My name is Kim Prillhart and I'm the Director of the Resource Management Agency for the County of Ventura overseeing both the Planning Division and Building & Safety. I'm writing to let you know that for the reasons stated during the meeting that you had yesterday with our Planning Director and staff as well as staff from our County Counsel's office, we strongly disagree with HCD's interpretation of the statutory language.

While the County's Agricultural Exclusive (AE) and Open Space (OS) zones qualify as "areas zoned to allow single-family or multifamily dwelling residential use" within the meaning of the broader provisions reflected in Government Code section 65852.2, subdivision (a)(1), these zones are not residential or mixed-use zones. Because Government Code section 65852.2, subdivision (e) specifically applies only to "residential or mixed-use zone[s]", those provisions do not apply to the County's AE and OS zones. The County allows ADUs in the AE and OS zones consistent with Government Code section 65852.2, subdivision (a); these ADUs are subject to the County's objective development standards (including, for example, size and height limitations) and are reviewed and approved ministerially with a Zoning Clearance.

As mentioned during the meeting, these exact same issues were discussed at length with HCD back in October of 2020 in the context of the Billiwhack property and were resolved. (See attached e-mail from HCD, dated October 29, 2020.) For additional background regarding the Billiwhack property, please see the attached staff report. Also, note that, pursuant to Government Code section 65852.2, subdivision (j)(2), "accessory structure" means "a structure that is **accessory and incidental to a dwelling** located on the same lot." If the Legislature had intended for an "accessory structure" to mean any structure on the same lot as a dwelling, as HCD suggests, the Legislature would have said so; instead, the Legislature made clear that the structure must be **accessory and incidental to a dwelling**, not just located on the same lot. In the case of the Billiwhack property, the 17,000 square foot dairy building is not an "accessory structure" for purposes of the ADU law because it is not **accessory and incidental** to the dwelling that is located on the property, but rather is an unhabitable principal agricultural dwelling. Therefore, the County will not be issuing permits to convert the existing unhabitable principal agricultural building to an ADU.

As you are aware, the County of Ventura is very progressing when it comes to housing. We have worked collaboratively with HCD staff over the years resulting in our county being the first jurisdiction in the SCAG Region to have a certified Housing Element. I say this only to bring to your attention that we carefully consider all aspects of each housing question/issue raised and often consult with HCD as was done in this case back in 2020.

If you have any questions, or if you would like to discuss this further (and include those in management that you consulted with), I would welcome the conversation. Please feel free to contact me at (805) 654-2661.

Regards,

Kim

Kim L. Prillhart, AICP Resource Management Agency Director
Kim.Prillhart@ventura.org

Ventura County Resource Management Agency
P. (805) 654-2661 | F. (805) 654-2630
800 S. Victoria Ave., L #1700 Ventura, CA 93009-1700
Visit our website at www.vcrma.org



Pursuant to the California Public Records Act, email messages retained by the County may constitute public records subject to disclosure.

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.33 - February 1, 2023 Email
from Kim Prillhart to Tracy to Mike Van
Gorder (HCD)



February 21, 2023

Tracy Cortez
1299 Inverness Drive
Pasadena, CA 91103

Additional copy sent by email to: Tracy Cortez, tracy@racdb.com

SUBJECT: Correction Notice: Revised Zoning Clearance Application No. ZC22-1424

Dear Ms. Cortez:

The Planning Division reviewed your revised Zoning Clearance Application No. ZC22-1424, submitted on February 7, 2023, that includes a request to authorize the conversion of an existing 17,310 gross floor area (GFA) principal agricultural/creamery building to an accessory dwelling unit (ADU) (identified as Building 4 on the plans), retention of an existing 2,370 square foot (SF) primary dwelling (identified as Building H1), conversion of an existing 4,564 GFA animal keeping building to a 1,800 GFA farmworker dwelling unit with the remaining 2,764 GFA for agricultural storage (identified as Building 2 on the plans), and installation of a chain link fence to entirely enclose the nonfunctional pool located at 2275 Aliso Canyon Road, in the unincorporated area of Ventura (APNs: 064-0-130-125 and -145), to partially abate Code Compliance Violation No. CV22-0472 (the "Application").

The following structures are also existing on the property: storage and maintenance building (9,985 SF) (identified as Building 1A on the plans), agricultural barn (5,341 SF) (identified as Building 1 on the plans), equipment storage building (4,564 SF) (identified as Building 3 on the plans), ranch maintenance building (9,291 SF) (identified as Building 5 on the plans), ranch equipment storage building (5,356 SF) (identified as Building 6 on the plans), partially demolished caretaker dwelling unit (2613 SF) (identified as Building H2 on the plans), hammer mill barn (1,448 SF), and three grain silos (543 SF each).

After careful review of the Application, the Planning Director has determined that some aspects of the proposed uses/structures are not in compliance with the regulations of the Non-Coastal Zoning Ordinance (NCZO) and state law. Please review this Correction Notice and, pursuant to the executed Compliance Agreement (CA22-0010), section 1(a), please provide corrected plans directly to Franca Rosengren at Franca.Rosengren@ventura.org within 30 days of the date of this correction letter. The corrected plans shall be returned with a copy of this correction letter. To facilitate rechecking of plans, please indicate Sheet Number, detail number and note number where the corresponding correction has been made.

A. Analysis of the Application

1. Government Code section 65852.2(e) Does Not Apply

Referencing Government Code section 65852.2(e)(1), the Application seeks to permit the conversion of Building 4 (an existing, detached principal agricultural/creamery building) to an ADU. However, Building 4 does not meet the standards for ministerial approval of an ADU under Government Code section 65852.2(e) for the following reasons:

a) Zoning Designation is Not Residential or Mixed-Use

Pursuant to Government Code section 65852.2(e)(1), “a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone...” to create an ADU and/or JADU meeting specified criteria.

The proposed ADU conversion is located on property with a General Plan designation of Agricultural with a zoning designation of Agricultural Exclusive, 40-acre minimum lot size (AE-40ac), which is neither a residential or mixed-use zone in unincorporated Ventura County and therefore, Government Code section 65852.2(e)(1) is not applicable to the proposed ADU.

While the County’s AE zone is an area “zoned to allow single-family or multifamily dwelling residential use” within the meaning of the broader provisions reflected in Government Code section 65852.2(a)(1), the AE zone is not a residential or mixed-use zone. Because Government Code section 65852.2(e) specifically applies only to “residential or mixed-use zone[s],” those provisions do not apply to the County’s AE zone.

The County’s General Plan and NCZO clearly distinguish between the County’s various land use and zoning designations. The agricultural land use and zoning designations are separate and distinct from the residential, commercial, industrial and mixed-use designations. (See e.g., General Plan, Land Use and Community Character Element at pages 24-25, 28-30, 36-38, 40; and NCZO at §§ 8104 et seq.) The Agricultural designation is specifically applied to lands which are suitable for the cultivation of crops and the raising of livestock. (General Plan at 2-28.) The purpose of the AE zone “is to preserve and protect commercial agricultural lands as a limited and irreplaceable resource, to preserve and maintain agriculture as a major industry in Ventura County and to protect these areas from the encroachment of nonrelated uses which, by their nature, would have detrimental effects upon the agriculture industry.” (NCZO, § 8104-1.2.) The Mixed-Use land use and zoning designations, on the other hand, provide “for the development of activity centers that contain a mix of compatible and integrated commercial, office, residential, civic, and/or recreational uses” and are “only allowed within areas designated as Existing Community, Urban areas, or Unincorporated Urban Centers.” (General Plan at 2-40; see also, e.g., NCZO, §§ 8104-3.6 [purpose of Residential Mixed Use (R/MU) Zone is “primarily for construction of multifamily dwellings” with compatible commercial uses].) The AE zone is not a “residential or mixed-use zone”

and is only compatible with the County's Agricultural, Open Space, Existing Community-Agricultural and Existing Community-Open Space land use designations; it is not compatible with any of the County's Residential, Mixed-Use, Commercial or other land use designations. As such, the provisions of Government Code section 65852.2(e), which specifically apply only to "residential or mixed-use zone[s]", do not apply to the AE zone.

While the provisions of Government Code section 65852.2(e) allowing certain ADUs with only a building permit in residential and mixed-use zones are not available for your AE-zoned property, ADUs are allowed in the AE zone with a ministerial Zoning Clearance consistent with Government Code section 65852.2(a); such ADUs are subject to the County's objective development standards including, but not limited to, specific size and height limitations.

b) Agricultural/Creamery Building is Not an "Accessory Structure"

Even if the AE zone qualified as a "residential or mixed-use zone", which it does not, you would not be entitled to convert the existing 17,310 GFA principal agricultural/creamery building (Building 4) to an ADU pursuant to Government Code section 65852.2(e)(1)(A) because it is not an "accessory structure." An "accessory structure" is defined as "a structure that is accessory and incidental to a dwelling located on the same lot." (Gov. Code, § 65852.2(j)(2).)

Building 4 is a principal agricultural building, not a residential accessory structure as defined by Government Code section 65852.2(j)(2). The creamery building was part of the historic Billiwhack dairy farm, which is a class of agriculture, and was used to process the milk that was produced on the farm. The creamery building was the principal structure for milk processing and contained the necessary equipment for this operation. This building is not accessory or incidental to the dwelling unit onsite, but rather is an unrelated principal agricultural building. For this additional reason, Building 4 does not qualify as an ADU that must be permitted with a ministerial building permit pursuant to Government Code section 65852.2(e) since it is not an "accessory structure."

2. The Proposed ADU Does Not Meet Applicable Development Standards For ADU's in the AE Zone

Because the subject property is located in the AE zone, the proposed ADU must meet the development standards set forth in NCZO section 8107-1.7.2. Those standards provide, among other requirements, that "lots that are 10 acres or more in area are allowed an [ADU] with . . . a gross floor area of 1,800 square feet." The Application does not meet this criteria because the proposed ADU is 17,310 GFA, which exceeds the maximum allowable size of 1,800 square feet.

For all of the reasons stated above, the request to convert Building 4 to an ADU is not consistent with state and local ADU laws and therefore, it cannot be approved as currently proposed.

B. Permit Path for the Proposed ADU Conversion

As previously explained to you, the NCZO allows certain deviations from the ministerial permit path through the discretionary permit process, such as a Planned Development Permit. Since the property is a designated Cultural Heritage Site of Merit, there are certain deviations from the NCZO regulations that would allow, for instance, an ADU to exceed the 1,800 GFA allowance so that the historic building can retain its historic value without being structurally modified to fit the current zoning ordinance provisions. If you are interested in the discretionary permit path for the ADU conversion of Building 4, please revise the current Zoning Clearance application to remove the ADU conversion from the scope of work and submit an application for a Cultural Heritage Site Deviation Planned Development Permit pursuant to NCZO section 8107-37.4. Please be advised that this process will include the review of the proposed project by the Cultural Heritage Board. Prior to submitting this discretionary application, please schedule an in-person meeting with Winston Wright, Discretionary Permit Coordinator, to discuss the required application materials and fees for this request. He can be reached at Winston.Wright@Ventura.org or by phone at 805-654-2468.

C. Zoning Clearance for Building 2

Although the proposed ADU conversion cannot be approved as currently proposed by way of a ministerial Zoning Clearance, the proposed conversion of Building 2 (the agricultural storage building) to an 1,800 SF farmworker dwelling unit and 2,764 SF agricultural storage area can be approved with a Zoning Clearance. Please advise if you wish to move forward with the issuance of a Zoning Clearance for the farmworker dwelling unit/agricultural storage building only, a new Zoning Clearance application and plans depicting only the proposed farmworker dwelling unit/agricultural storage building will be required. Building 4 should be labeled as being resolved by a separate permit, similar to how Building H2 is labeled. As you already know, a deed restriction will be required to be recorded in the County Recorder's Office prior to the issuance of the Zoning Clearance.

D. Plan Corrections

Please revise your plans in accordance with this Correction Notice, including the following specific requirements:

1. On all applicable sheets, remove reference to "accessory structure" when describing the existing creamery building. This building is a principal agricultural structure for the essential operation of processing milk and is not considered an

accessory structure as defined in Article 2 of the NCZO or as defined by Government Code section 65852.2(j)(2).

2. All corrected plans shall have the revision date on the corrected plans so as not to cause future confusion.

Pursuant to the executed Compliance Agreement (CA22-0010), section 1(a), please provide the corrected application and plans directly to me within 30 days of the date of this correction letter. If the Application is not resubmitted and does not demonstrate compliance with the regulations of the NCZO and state law by the 30-day deadline (or another permit option, as provided above, has not been submitted), this application will be denied and Compliance Agreement CA22-0010 may be terminated.

If you have any questions about this correction notice, please contact Ms. Franca A. Rosengren, case planner, at Franca.Rosengren@ventura.org or by phone at 805-654-2045. You may also contact me directly at Winston.Wright@ventura.org or by phone at 805-654-2468.

Sincerely,



Winston Wright, Manager
Permit Administration Section
Ventura County Planning Division

Attachment: Attachment 1 – Revised Zoning Clearance Application No. ZC22-1424

C: Kim Prillhart, RMA Director, via email
Dave Ward, Planning Director, RMA Planning Division, via email
Winston Wright, Planning Manager, RMA Planning Division, via email
Dillan Murray, Cultural Heritage Planner, RMA Planning Division, via email
Dean Phaneuf, Code Compliance Supervisor, RMA Code Compliance Division, via email
Billiwhack Ranch LLC, 3048 N. Coolidge Avenue, Los Angeles, CA 90039



Zoning Clearance Application

County of Ventura • Resources Management Agency • Planning Division
800 S. Victoria Ave., Ventura, CA 93009 • (805) 654-2488 • www.vcrma.org/divisions/planning

Applicant Contact Information

Applicant Name: Tracy Cortez
Applicant Address: 1299 Inverness Dr, Pasadena, CA 91103
Applicant Phone No. 2133080015 e-mail: tracy@racdb.com

Property Owner Contact Information

Property Owner Name: Billiwhack Ranch LLC
Property Owner Address: 3948 N Coolidge Ave, Los Angeles, CA 90039
Property Owner Phone No. 2133080015 e-mail: tracy@racdb.com

Agent Contact Information

Agent Name (if different than Applicant): _____
Agent Address: _____
Agent Phone No. _____ e-mail: _____

Property Information

Property Address: 2275 Aliso Canyon Road, Santa Paula, CA 93060
Assessor Parcel Number(s): 064-0-130-145 Cross Streets: Foothill
Zoning Designation: AE-40 General Plan Land Use Designation: Agriculture

Proof of Legal Lot Status (Check one that applies):

☐ Certificate of Compliance # _____ ☒ Parcel Map or Tract Map # 0641300145 ☐ Conditional Certificate of Compliance # _____ ☐ Voluntary Merger/Lot Line Adj ☒ Other (provide explanation): Parcel Map Waiver PMW-175

Present use of property: _____
Agricultural and residential, lemon and avocado orchards

Number of Protected Trees (see Non-Coastal Zoning Ordinance § 8107-25 and Coastal Zoning Ordinance § 8178-7) within 20 feet of the limits of the construction area: 0

Written Homeowner's Association or Property Owner's Association approval (attach if applicable): ☐ YES ☐ NO ☒ N/A

Certificate of Appropriateness or Certificate of Review for Cultural Heritage Sites (attach if applicable): ☒ YES ☐ NO ☐ N/A

Is there an active Planned Development Permit (PD) or Conditional Use Permit (CUP) on the property? ☐ YES ☒ NO

If yes, what is the permit number: _____ A copy of the conditions of approval of the land use entitlement must be submitted with this application. Contact the Planning Division at 805-654-2478 for a copy of the conditions of approval. Is the property and current uses on the property compliant with the applicable terms and conditions of that land use entitlement? ☐ YES ☐ NO

Is there an active violation case associated with the subject property? ☒ YES ☐ NO If yes, what is the violation case number: CV22-0472 Describe the violation? See violation for full description of four items

Please be advised that no applications for a new entitlement will be accepted if a violation of the Zoning Ordinances or the Subdivision Ordinance exists on the subject property unless acceptance of the application is necessary to abate the existing violation.

Project Information

Check type of Zoning Clearance applied for (more than one may be checked):

- ☐ New Principal/Accessory Agricultural Structure(s)
- ☐ New Residential Units (e.g., single-family dwelling)
- ☐ Accessory Dwelling Unit (ADU) (attached or detached)
- ☐ Junior ADU
- ☐ Additions to Existing Buildings/Structures
- ☐ Accessory Residential Structure(s) (e.g., carports, decks, spas, sheds, animal shade structures, fireplaces, ground-mounted photovoltaic systems, non-commercial antenna, and the like)
- ☐ Demolition of Structure(s)
- ☐ Ministerial Oil and Gas Well(s)
- ☐ Emergency Shelter Zoning Clearance
- ☐ Residential High-Density Zoning Clearance

Proposed Use and/or Structure No. 1: Bldg 4, ADU (Bldg H1, Existing Primary Dwelling)

Proposed Use and/or Structure No. 2: Bldg 2, farmworker dwelling

Proposed Use and/or Structure No. 3:

For dwellings, number of existing bedrooms: 7 Proposed number of additional bedrooms: 2

Number of existing covered parking spaces (i.e., carport, garage): 0 Number of existing uncovered marked parking spaces: 0

Total landscape area (sq. ft.): n/a Is the landscape area entirely new? ☐ YES ☐ NO ☒ N/A Is the landscape area a retrofit? ☐ YES ☐ NO ☒ N/A Include all proposed surface area of water features, including pools and spas.

Provide a full description of the proposed project: Bldg 4 conversion of accessory structure to ADU per Government Code 65852.2 (e) & ruling from HCD attached.

Bldg 2 reduce to 1,800 sf Farmworker Dwelling includes int improvements, abate violation.

Fence historic non functioning pool, abate violation.

Detail any improvements to the premises and/or buildings/structures necessary to complete the proposed project.

These improvements may include, but are not limited to, new electrical/electrical upgrades or plumbing, installation of outdoor lighting, installation of fencing, installation of landscaping or removal of trees:

Installation of fencing barrier around historic pool, electrical & mechanical upgrades, interior remodel of bldg 4 and 2, exterior modifications bldg 4.

Continue to Development Data Table on the next page.

DEVELOPMENT DATA TABLE (Required)

Applicant completes the table below and provides it with the Zoning Clearance application.

Existing Principal Structures and/or Uses	Footprint in Sq. Ft.	Gross Floor Area all floors & Levels
H1 Primary Dwelling	2370	2185
TOTALS	2370	2185

Existing Detached Accessory Structures and/or Uses	Footprint in Sq. Ft.	Gross Floor Area all floors & Levels
A1 Storage & Maintenance Bldg	9985	9510
B1 Agricultural Barn/Storage	5341	5115
B2 Agricultural Barn/Storage	4564	4151
B3 Agricultural Barn/Storage	4564	4356
B4 Historic Creamery / Storage	7612	17310
B5 & B6 Agricultural Barn/Storage & Maintenance	9291/5356	9090/5137
H2 Secondary Dwelling (removed)	2613	2472
TOTALS	49326	57141

Proposed Principal Structures and/or Uses	Footprint in Sq. Ft.	Gross Floor Area all floors & Levels
TOTALS		

Proposed Detached Accessory Structures and/or Uses	Footprint in Sq. Ft.	Gross Floor Area all floors & Levels
B4 ADU	7612	17310
B2 Farmworker Dwelling (1800 sf max) & Ag Storage	4564	4151
H2 (to be resolved by separate permit)	2613	2472
TOTALS	14789	23933

Acknowledgement and Signature of Applicant and Property owner

AFFIDAVIT OF APPLICANT

I hereby certify, under penalty of perjury, that I have personal knowledge of the information stated in this application and that the information provided in this application and all required documentation to this application is true and correct. I further certify that this application has been prepared in compliance with the Ventura County Ordinance Code. I also understand and acknowledge that the information provided in this application may be public information and subject to disclosure under the California Public Records Act.

Applicant Signature: Tracy Cortez  Date: 2/7/2023

AFFIDAVIT OF PROPERTY OWNER

I hereby certify, under penalty of perjury, that I am the property owner or am authorized by the property owner(s) to submit this application (by submitting a signed Agent Authorization Form). I further certify that this application has been prepared in compliance of the Ventura County Ordinance Code, that the application materials are being submitted as a formal application for the request noted on this application and that the statements and information above and on other application documents referred to are, to the best of my knowledge and belief, in all respects true and correct. I hereby understand and acknowledge that I will be responsible for paying all applicable fees, and I understand that the payment of such fees does not entitle me to approval of this application and that no refunds will be made. I further certify that this application has been prepared in compliance of the Ventura County Ordinance Code.

Property Owner Signature: Tracy Cortez  Date: 2/7/2023

Add more pages as necessary to accommodate signatures of all property owners.

For Planning Staff Use Only

Date Received/Paid: _____ Legal Lot Status: _____ Lot Size: _____ (sq. ft.) _____ (acres)
Zoning: _____ Overlay Zone: _____ General Plan Land Use Designation: _____
Area Plan Land Use Designation: _____ Sq. ft. of Gross Floor Area Ministerially Allowed for Structure: _____



Applicant Checklist Zoning Clearance Application Materials

The below checklist attests that you provided the following materials in your application.

Materials Provided		Required Application Materials and Additional Information
YES	NO	Description of Materials and Information to Be Provided
GENERAL INFORMATION		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning Clearance Application filled out completely with required signatures?
<input type="checkbox"/>	<input type="checkbox"/>	Tree Permit Application also submitted if the project involves the pruning (beyond specified limits), removal, trenching, excavation, or other encroachment into the protected zone (5 feet outside the canopy's edge and a minimum of 15 feet from the trunk) of protected trees?
Does this application include:		
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Applicant name and contact information? Applicant signed application?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property owner name and contact information? Property owner signed application?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Assessor's Parcel Number(s) for the proposed site?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Property address for the proposed site?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zone and General Plan land use designation?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Demonstration of legal lot?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Development Data Table filled out?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Copy of Conditions of Approval for any approved, active land use permit that runs with the subject property?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Full description of proposed project?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Zoning Clearance fees have been paid in full?
<input type="checkbox"/>	<input type="checkbox"/>	Agent Authorization form (if applicable)?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Digital Copies of Site Plan, Floor Plans of all levels and floors, and Elevations of any new structures. Plan must include the information listed on the accompanying "Standards for Required Site Plans, Floor Plans and Elevations."
<input type="checkbox"/>	<input type="checkbox"/>	Digital Copies of Landscape Plans. When over 500 square feet of landscape area is proposed, it must be identified on the site plan. "Landscape area" means the total horizontal surface area dedicated to plant installation (including adjacent ground that provides space for the plants' establishment), plus the horizontal surface of any water features, that includes surface area of pool and spa. For more information, please see the Model Water Efficient Landscape Ordinance handout at https://vcrma.org/permit-application-information-and-handouts .
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Digital photos of structure(s) where exterior remodeling is proposed is helpful, but not required.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Digital copies of all application materials? A digital copy of the application, plans, agent authorization form, and any supplemental materials shall be uploaded into Citizen's Access at the time of application submittal.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Have you provided supplemental materials? If so, list the supplemental materials provided in the space below.
List of Additional Materials		Cultural Heritage Review Application

Gov. Code 65852.2 (e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create any of the following:

(i) The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.

(iii) The side and rear setbacks are sufficient for fire and safety.

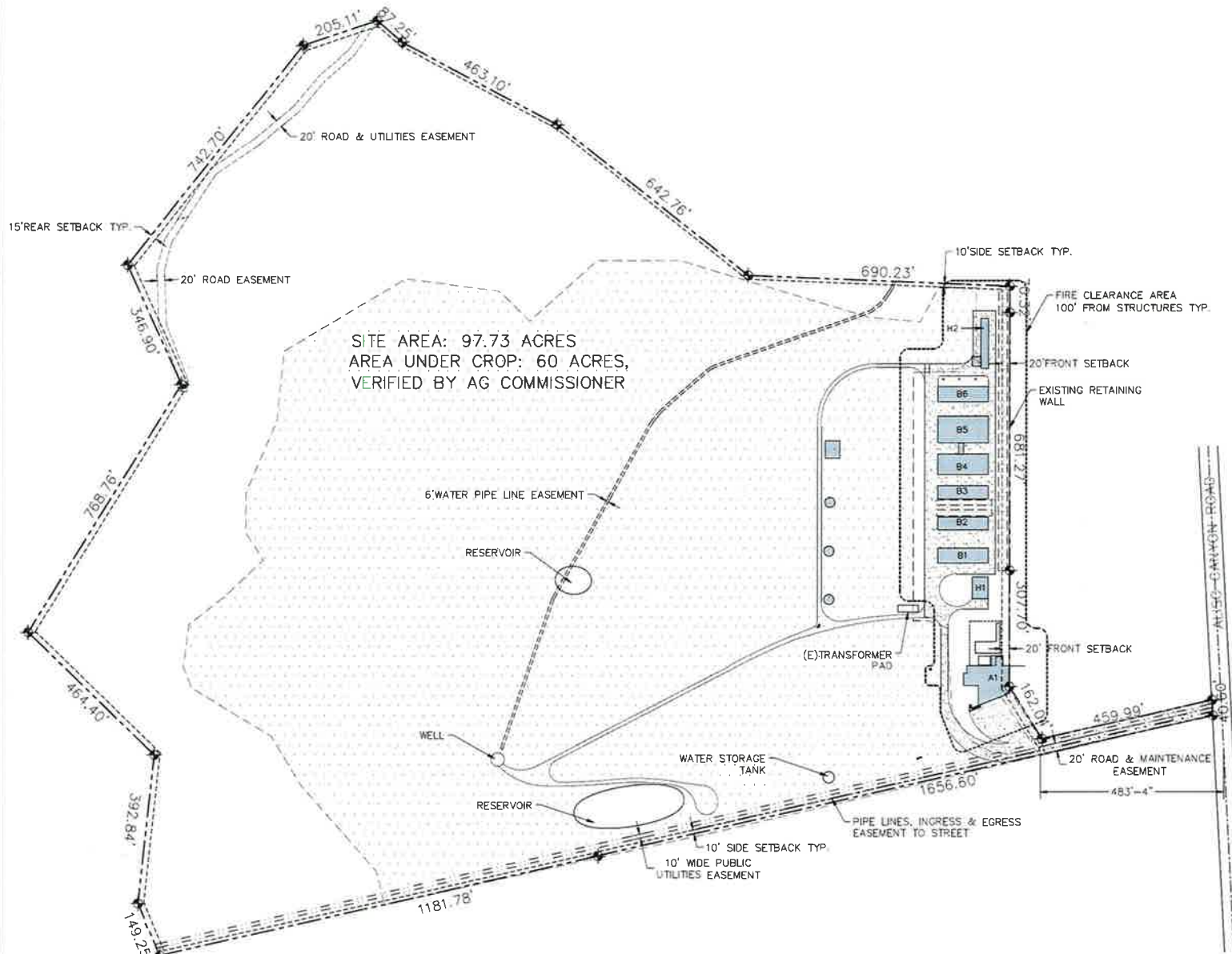
~ ~ ~ ~ ~

Tracy - I met with the County planning staff today and then consulted with management on the issue. It's HCD's position that Government Code section 65852.2 applies to any zone that permits residential development by-right. As the Agricultural Exclusive and Open Space zones permit single-family development, the county is required to comply with all relevant language in section 65852.2, including subdivision (e)(1)(A)(i), which requires ministerial approval of one ADU and one JADU when "...The accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling **or accessory structure.**" For the purposes of ADU law, the designation of a primary residential dwelling renders other structures onsite accessories to that primary dwelling. Size maximums may not apply to units created in converted structures, as local development standards pursuant to subdivisions (a) through (d) may not preclude a unit created subject to subdivision (e). Therefore, NCZO section 8107-1.7.1, subdivision (a) conflicts with state law and must be amended to ministerially permit ADUs created in converted accessory structures without reference to a size limitation.

Thank you kindly,



Mike Van Gorder
Housing Policy Analyst
Accountability and Enforcement Unit
Housing & Community Development
Phone: (916) 776-7541
2020 W. El Camino Avenue
Sacramento, CA 95833



SITE PLAN

1"=100'



NO.	REVISION	DATE	BY	CHKD.
1	ISSUE	02/06/2023	WJW	WJW

APR. 11/14-12/15-17 AND 18-19-20-21-22
--

PROJECT COMMENTS
SITE PLAN

PROJECT NO.	2275
DATE	02/06/2023
SCALE	1"=100'



NCARB
National Council of Architectural Registration Boards
Exempt for Waiver

DATE	REVISION
07/08/2023	ENLARGED SITE PLAN
07/08/2023	ENLARGED SITE PLAN
07/08/2023	ENLARGED SITE PLAN

BILLWHACK RANCH RENOVATION
ALLIANCE ARCHITECTS, INC.
ARCHITECTS
SANTA BARBARA, CA 93101

SHEET CONTENTS
ENLARGED
SITE PLAN

EXISTING & PROPOSED BUILDING USES & FLOOR AREAS

BLDG NO	EXISTING USE	PROPOSED USE	FOOTPRINT SF	GROSS FLOOR SF	ADDITIONAL SF	NET SF	PARKING SPACES
14	STORAGE & MAINTENANCE BLDG	NO CHANGE	9,985	9,510	0	9,510	—
H1	PRINCIPAL DWELLING	NO CHANGE	2,370	2,185	0	2,185	2
1	AGRICULTURAL BARN	NO CHANGE	5,341	5,115	0	5,115	—
2	AGRICULTURAL BARN	CONVERT TO A FARM WORKER DWELLING 1,800 SF AND AG STORAGE REMAINING 2,184 SF	4,564	4,181	25	4,181	2
3	EQUIPMENT STORAGE BLDG	NO CHANGE	4,564	4,356	0	4,356	—
4	TWO STORY CREAMERY / BLDG	CONVERT TO ACCESSORY DWELLING UNIT	7,812	12,740	183	12,740	4
5	RANCH MAINTENANCE BLDG	NO CHANGE	9,291	9,090	0	9,090	—
6	RANCH EQUIPMENT STORAGE BLDG	NO CHANGE	5,116	5,137	0	5,137	—
H2	DEMOLISH WALL/FLOORS OF CARETAKER UNIT	TO BE RESOLVED BY SEPARATE PERMIT	2,613	2,472	0	2,472	—
	HAMMER MILL BARN	NO CHANGE	1,448	1,346	0	1,346	—
	THREE GRAIN SILOS	NO CHANGE	543 EACH	488 EACH	0	488 EACH	—
TOTALS			54,773	62,136	178	62,136	8

SITE STATISTICS

TOTAL BUILDING COVERAGE	54,773 SQUARE FEET
PERMEABLE GRAVEL DRIVEWAY	1,764,871 SQUARE FEET
ASPH UNDER CROP	2,959,192 SQUARE FEET OR 65 ACRES
TOTAL SITE AREA	4,257,119 SQUARE FEET OR 97.73 ACRES
* NO CHANGES TO IMPERVIOUS OR PERMEABLE SQUARE FOOTAGE	

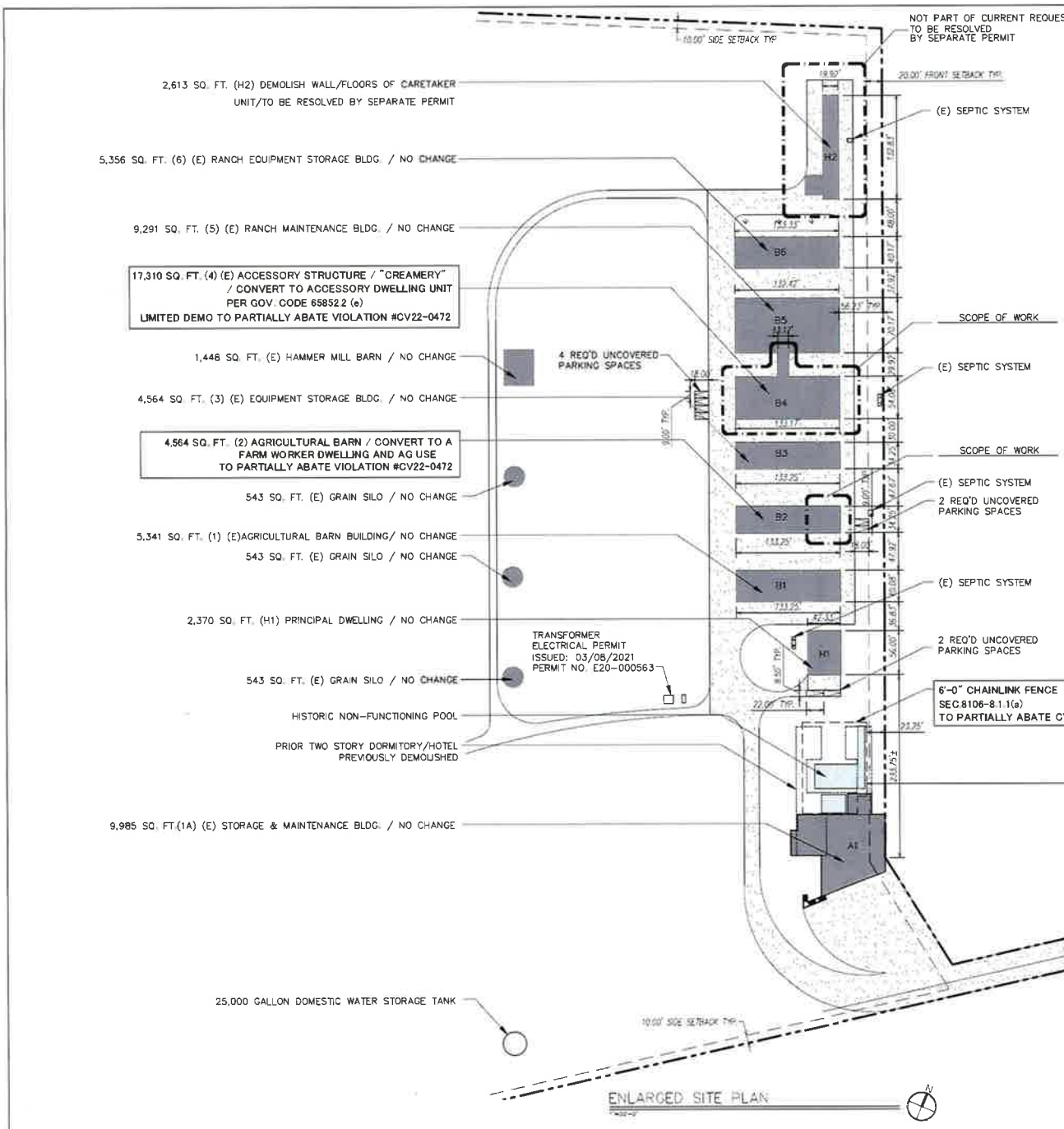
SCOPE OF WORK

BUILDING 4: CONVERT AN EXISTING 17,812 SQUARE FOOT, GROSS FLOOR AREA ACCESSORY STRUCTURE TO AN ACCESSORY DWELLING UNIT INTERIOR AND EXTERIOR REMODEL, CONSISTING OF REMOVAL OF NON-BEARING WALLS, KITCHEN, SHW, CLOSETS AND ELECTRICAL TO PARTIALLY ABATE CV22-0472.

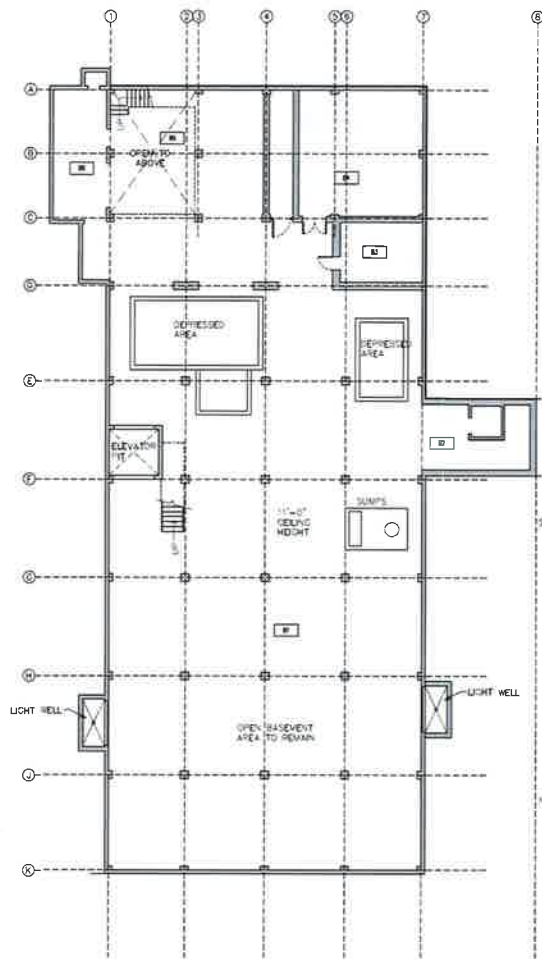
BUILDING 2: CONVERT 1,800 SF OF AN EXISTING 4,564 SQUARE FOOT AGRICULTURAL BUILDING TO A FARM WORKER DWELLING UNIT. THE REMAINDER OF THE BUILDING (2,764 SF) WILL BE AGRICULTURAL STORAGE. INTERIOR AND EXTERIOR REMODEL, CONSISTS OF ADDING AN INTERIOR WALL TO SEPARATE FARM WORKER DWELLING FROM AGRICULTURAL USAGES TO PARTIALLY ABATE CV22-0472.

INSTALL FENCE TO ENCLOSE EXISTING HISTORIC NON-FUNCTIONAL POOL AND DOMESTORY FOUNDATION TO PARTIALLY ABATE CV22-0472. NOT VISIBLE FROM PUBLIC RIGHT OF WAY.

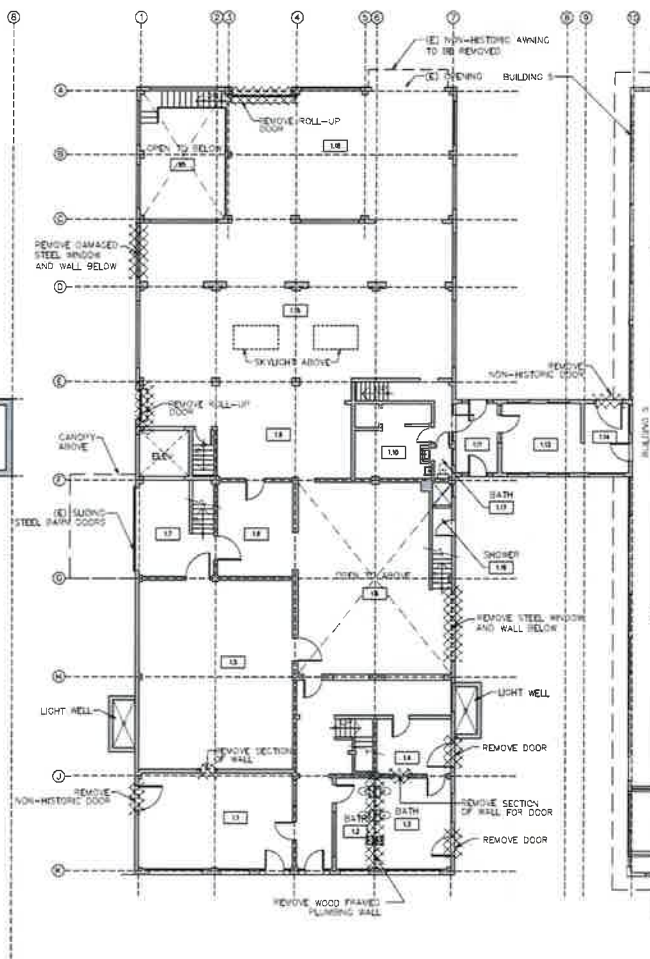
BUILDING H2: AFTER THE FACT DEMOLISH WALLS AND FLOOR OF AN EXISTING HISTORIC 2,613 SQUARE FOOT, FIVE (5) BEDROOM RESIDENCE TO PARTIALLY ABATE CV22-0472. YEAR BUILT ORCA 1926. THIS PROJECT IS NOT PART OF CURRENT REQUEST, TO BE RESOLVED BY A SEPARATE PERMIT.



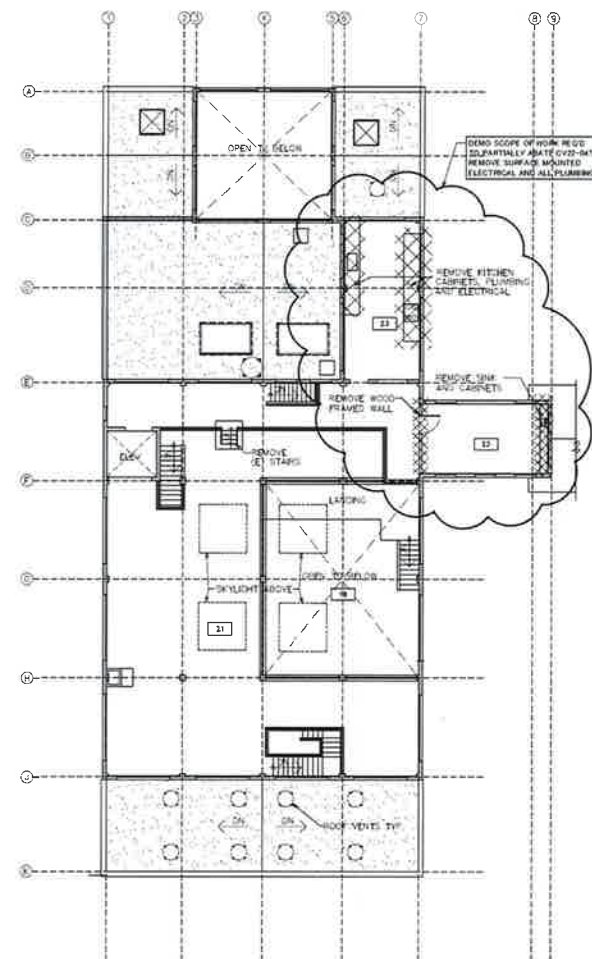
ENLARGED SITE PLAN



EXISTING BASEMENT FLOOR PLAN AND DEMO PLAN
1/8"=1'-0"



EXISTING GROUND LEVEL FLOOR PLAN AND DEMO PLAN
1/8"=1'-0"



EXISTING 2ND LEVEL FLOOR PLAN AND DEMO PLAN
1/8"=1'-0"

FLOOR PLAN LEGEND	
	NEW WALLS
	DEMO
	(E) WOOD FRAMED WALLS
	CONCRETE WALLS

SCOPE OF WORK	
BUILDING 4: CONVERT AN EXISTING 17,310 SQUARE FOOT, CROSS FLOOR AREA ACCESSORY STRUCTURE TO AN ACCESSORY DWELLING UNIT. INTERIOR AND EXTERIOR REMODEL CONSISTING OF REMOVAL OF NON-BEARING WALLS, KITCHEN SINK, SINK, CABINETS AND ELECTRICAL TO PARTIALLY ABATE CIV22-0472.	
NO ALTERATION TO SF	
EXISTING SF	= 17,310 SF
DEMO/ALTERED SF	= 153 SF
NET SF	= 17,310 SF
GENERAL NOTES	

Angeli de Covolo, Inc.
122 E. Arrellaga Street
Santa Barbara, California 93101
805 432 2398



DATE	BY	REVISION
02/08/2023	2275	EXISTING FLOOR PLANS
02/08/2023	2275	DEMO SCOPE

PROJECT: BELLHACK RANCH RENOVATION
2275 AND CANOPY ROAD
SANTA BARBARA, CA 93101

SHEET CONTENTS:
BUILDING 4
EXISTING FLOOR PLANS
DEMO SCOPE

DATE	02/08/2023
BY	2275
REVISION	EXISTING FLOOR PLANS
REVISION	DEMO SCOPE

A-4

- A) REPAIR/REPLACE EXISTING STEEL WINDOWS - REPLACE DAMAGED GLASS, REPAIR RUSTED STEEL FRAMES AND CLEAR COAT AS NEEDED
- B) REPLACE EXISTING DAMAGED STEEL WINDOW MATCH EXISTING
- C) REPLACE DAMAGED NON-EXISTING WOOD DOOR WITH AREA APPROVED STEEL DOOR
- D) REPLACE EXISTING WINDOW WITH NEW STEEL DOOR SYSTEM TO MATCH EXISTING REMOVE EXISTING TERRA COTTA INFL WINDOW SILL RAIL
- E) NEW STEEL WINDOW IN NEW OPENING, MATCH EXISTING
- F) REPLACE EXISTING DOOR WITH NEW STEEL WINDOW
- G) REPAIR EXISTING WOODEN DOORS
- H) REPLACE EXISTING ROLL-UP DOOR WITH STEEL DOOR SYSTEM TO MATCH EXISTING
- I) NEW STEEL DOOR SYSTEM IN EXISTING OPENING TO MATCH EXISTING
- J) REPAIR EXISTING STEEL DOORS - REPLACE DAMAGED GLASS, CLEAR COAT AS NEEDED

ENLARGED ON NEW ORDINANCES = 1HT 4/1/00SF PLUS 4/7/01 FT
TOTAL ENLARGED ON NEW DOOR AND WINDOWS = 73.75F



ENLARGED OR NEW OPENINGS = 50SF ALTERED



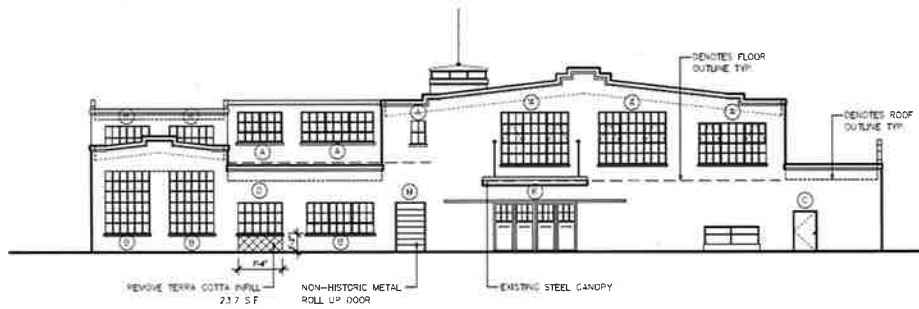
ENLARGED OR NEW OPENINGS - 0 SF ALTERED



ENLARGED OR NEW OPENINGS = SOUP ALTERED



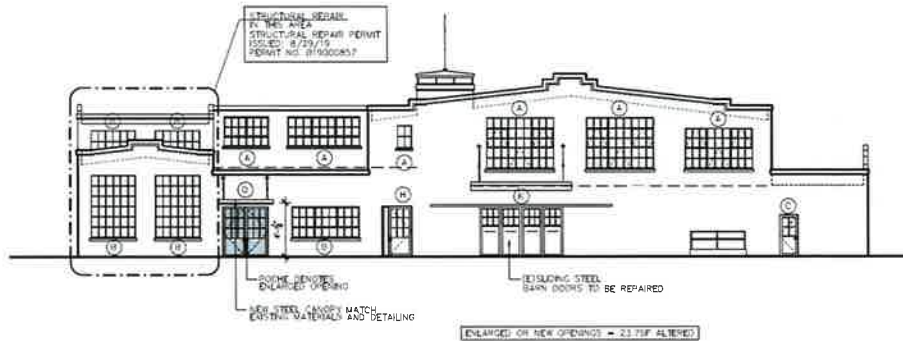
ENLARGED OR NEW OPENINGS = 0 SF ALTERE



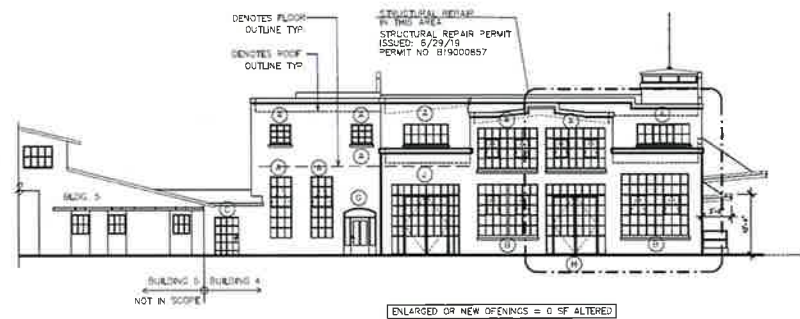
1 EXISTING SOUTH ELEVATION
SCALE 1/8" = 1'-0"



1 EXISTING WEST ELEVATION
SCALE 1/8" = 1'-0"



1 PROPOSED SOUTH ELEVATION
SCALE 1/8" = 1'-0"



1 PROPOSED WEST ELEVATION
SCALE 1/8" = 1'-0"

DOOR & WINDOW NOTES

- (A) REPAIR/REPLACE EXISTING STEEL WINDOWS - REPLACE DAMAGED GLASS, REPAIR RUSTED STEEL FRAMES AND CLEAR COAT AS NEEDED.
- (B) REPLACE EXISTING DAMAGED STEEL WINDOW MATCH EXISTING.
- (C) REPLACE DAMAGED NON-HISTORIC WOOD DOOR WITH ERA APPROVED STEEL DOOR.
- (D) REPLACE EXISTING WINDOW WITH NEW STEEL DOOR SYSTEM TO MATCH EXISTING. REMOVE EXISTING TERRA COTTA INFILL WINDOW SILL WALL.
- (E) NEW STEEL WINDOW IN NEW OPENING MATCH EXISTING.
- (F) REPLACE EXISTING DOOR WITH NEW STEEL WINDOW.
- (G) REPAIR EXISTING WOODEN DOORS.
- (H) REPLACE EXISTING ROLL-UP DOOR WITH STEEL DOOR SYSTEM TO MATCH EXISTING.
- (I) NEW STEEL DOOR SYSTEM IN EXISTING OPENING TO MATCH EXISTING.
- (J) REPAIR EXISTING STEEL DOORS - REPLACE DAMAGED GLASS, CLEAR COAT AS NEEDED.

GENERAL NOTES

Argenti de Covolo, Inc.
122 E. Arrellaga Street
Santa Barbara, California 93101
805.432.2305



NCARB
National Council of Architectural Registration Boards

DESIGN: JAY WOOD

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	6/29/19
2	ISSUED FOR PERMIT	6/29/19
3	ISSUED FOR PERMIT	6/29/19
4	ISSUED FOR PERMIT	6/29/19
5	ISSUED FOR PERMIT	6/29/19
6	ISSUED FOR PERMIT	6/29/19
7	ISSUED FOR PERMIT	6/29/19
8	ISSUED FOR PERMIT	6/29/19
9	ISSUED FOR PERMIT	6/29/19
10	ISSUED FOR PERMIT	6/29/19

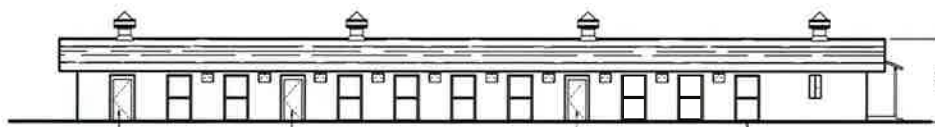
BLUETHACK RANCH RENOVATION

EXISTING & PROPOSED ELEVATIONS
DOOR & WINDOW AUGMENTATION KEY

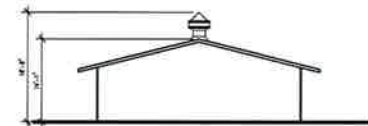
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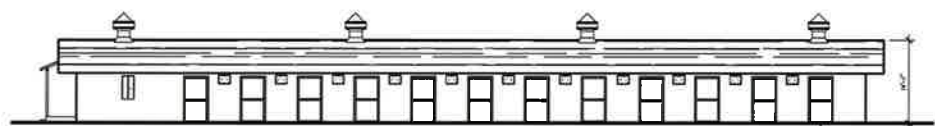
1 EXISTING EAST ELEVATION
SCALE 1/8"=1'-0"



1 EXISTING SOUTH ELEVATION
SCALE 1/8"=1'-0"



3 EXISTING WEST ELEVATION
SCALE 1/8"=1'-0"



4 EXISTING NORTH ELEVATION
SCALE 1/8"=1'-0"

FLOOR PLAN LEGEND

- NEW WALLS
- DEMO
- (E) WOOD FRAMED WALLS
- CONCRETE WALLS
- AG USE AREA

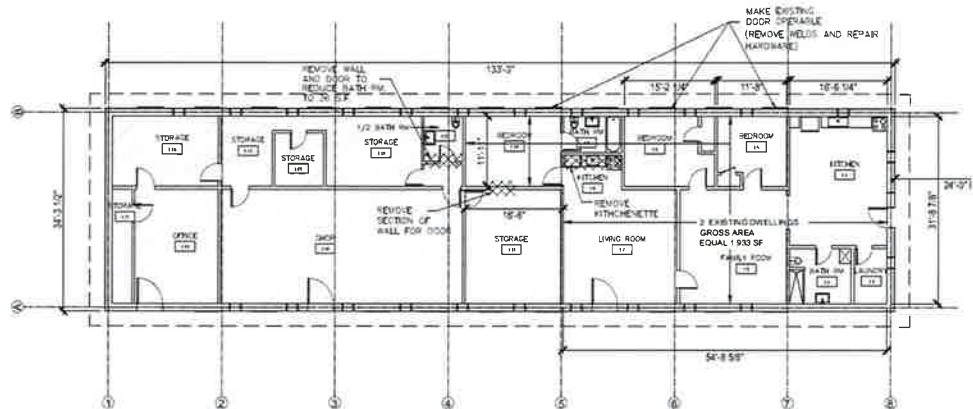
SCOPE OF WORK

BUILDING 2: CONVERT 1,800 SF OF AN EXISTING 4,564 SQUARE FOOT AGRICULTURAL BUILDING TO A FARM WORKER DWELLING UNIT. THE REMAINDER OF THE BUILDING (2,764 SF) WILL BE AGRICULTURAL STORAGE. INTERIOR AND EXTERIOR REMODEL CONSISTS OF ADDING AN INTERIOR WALL TO SEPARATE FARM WORKER DWELLING FROM AGRICULTURAL USAGES TO PARTIALLY ABATE CV22-0472

NO ALTERATION TO SF

EXISTING SF = 4,564 SF
DEMO/ALTERED SF = 29 SF
NET SF = 4,564 SF

GENERAL NOTES



EXISTING FLOOR PLAN / DEMO PLAN
1/8"=1'-0"



Angeli de Covolo, Inc.
122 E. Arcadia Street
Santa Barbara, California 93101
805 432 2399



NCARB
Registered Architect
Brenton Jay Wadell

DATE	BY	REVISION
02/08/2023	AW	ISSUED FOR PERMIT
02/08/2023	AW	REVISED

AW: 02/08/2023-18 AND 02/08/2023-04

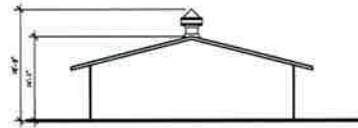
PROJECT ADDRESS
2275 N. Hill Street
Santa Paula, CA 93060
BELLWICK RANCH RENOVATION

SHEET CONTENTS
BUILDING 2
EXISTING FLOOR PLANS
AND ELEVATIONS DEMO SCOPE

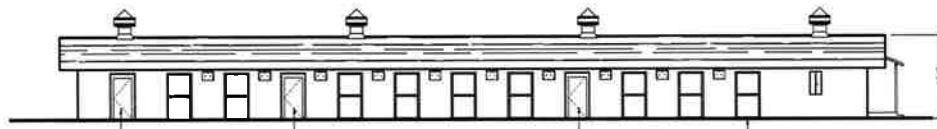
DATE	BY	REVISION
02/08/2023	AW	ISSUED FOR PERMIT
02/08/2023	AW	REVISED



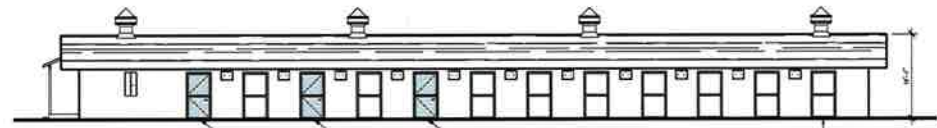
1 PROPOSED EAST
SCALE 1/8"=1'-0"
NO CHANGE



3 PROPOSED WEST
SCALE 1/8"=1'-0"
NO CHANGE



1 PROPOSED SOUTH
SCALE 1/8"=1'-0"
NO CHANGE



4 PROPOSED NORTH
SCALE 1/8"=1'-0"
NO CHANGE

FLOOR PLAN LEGEND	
	NEW WALLS
	DEMO
	(E) WOOD FRAMED WALLS
	CONCRETE WALLS
	AG USE AREA

SCOPE OF WORK

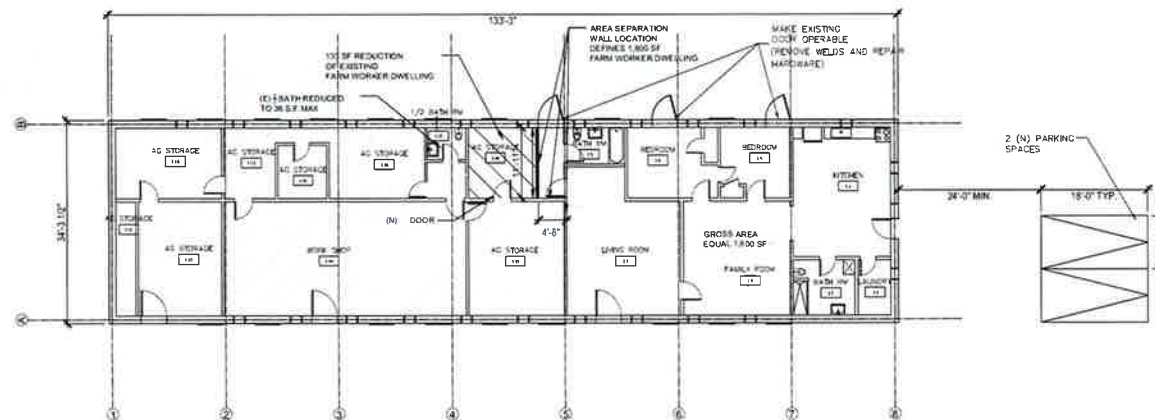
BUILDING 2: CONVERT 1,800 SF OF AN EXISTING 4,564 SQUARE FOOT AGRICULTURAL BUILDING TO A FARM WORKER DWELLING UNIT. THE REMAINDER OF THE BUILDING (2,764 SF) WILL BE AGRICULTURAL STORAGE. INTERIOR AND EXTERIOR REMODEL CONSISTS OF ADDING AN INTERIOR WALL TO SEPARATE FARM WORKER DWELLING FROM AGRICULTURAL USAGES TO PARTIALLY ABATE CY22-0472.

NO ALTERATION TO SF

EXISTING SF	= 4,564 SF
DEMO/ALTERED SF	= 25 SF
NET SF	= 4,584 SF

GENERAL NOTES

BEDROOM EQUIVALENTS:	3
BATHROOMS:	2
AG USE BATHROOM:	1 HALF BATH



PROPOSED FLOOR PLAN

1/8"=1'-0"



Angeli de Covolo, Inc.
122 E. Arroyo Street
Santa Barbara, California 93101
805 432 2999



NCARB
National Council of Agricultural Buildings

Recent San Marcos

1-18	1-19	1-20	1-21	1-22	1-23	1-24	1-25	1-26	1-27	1-28	1-29	1-30	1-31	1-32	1-33	1-34	1-35	1-36	1-37	1-38	1-39	1-40	1-41	1-42	1-43	1-44	1-45	1-46	1-47	1-48	1-49	1-50	1-51	1-52	1-53	1-54	1-55	1-56	1-57	1-58	1-59	1-60	1-61	1-62	1-63	1-64	1-65	1-66	1-67	1-68	1-69	1-70	1-71	1-72	1-73	1-74	1-75	1-76	1-77	1-78	1-79	1-80	1-81	1-82	1-83	1-84	1-85	1-86	1-87	1-88	1-89	1-90	1-91	1-92	1-93	1-94	1-95	1-96	1-97	1-98	1-99	1-100
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BILLWHACK RANCH RENOVATION

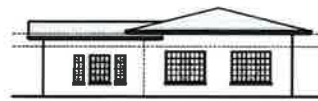
SHEET CONTENTS
BUILDING 2
PROPOSED FLOOR PLANS
AND ELEVATIONS

DATE	02/08/2023
TIME	2:27
BY	
CHECKED BY	
APPROVED BY	

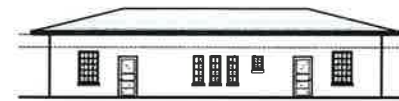
A-9



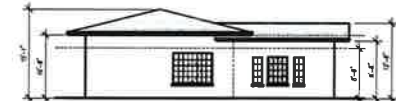
① EXISTING EAST ELEVATION
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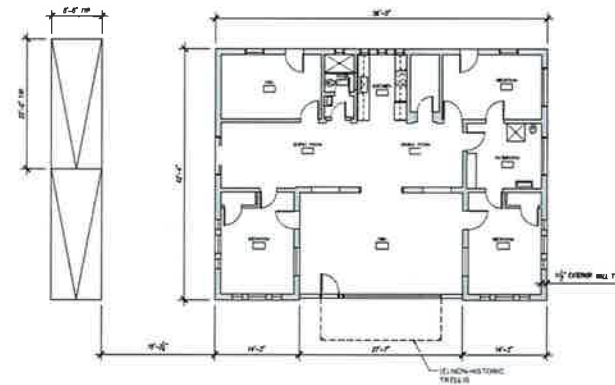
① EXISTING NORTH ELEVATION
SCALE 1/8" = 1'-0"



① EXISTING WEST ELEVATION
SCALE 1/8" = 1'-0"



① EXISTING SOUTH ELEVATION
SCALE 1/8" = 1'-0"



① EXISTING FLOOR PLAN
SCALE 1/8" = 1'-0"

SCOPE OF WORK

GENERAL NOTES

BEDROOM EQUIVALENTS	5
BATHROOMS	2

Angeli de Covolo, Inc.
122 E. Arroyo Street
Santa Barbara, California 93101
805-422-2299



NCARB
Member Number 11000000

Record Set Number

NO.	DESCRIPTION	DATE	BY	CHKD.
1	EXISTING ELEVATIONS	11/11/2021	ANGELI DE COVOLO	ANGELI DE COVOLO
2	EXISTING FLOOR PLAN	11/11/2021	ANGELI DE COVOLO	ANGELI DE COVOLO

11/11/2021, 11:00 AM, 11/11/2021, 11:00 AM, 11/11/2021, 11:00 AM

BILLWHACK RANCH RENOVATION
BILLWHACK RANCH
SANTA BARBARA, CA 93100

PROJECT: EXISTING
BUILDING: H1
EXISTING PLANS & ELEVATIONS

DATE	11/11/2021
TIME	11:00 AM
BY	ANGELI DE COVOLO
CHKD.	ANGELI DE COVOLO
DATE	11/11/2021
TIME	11:00 AM
BY	ANGELI DE COVOLO
CHKD.	ANGELI DE COVOLO



March 29, 2023

Tracy Cortez
1299 Inverness Drive
Pasadena, CA 91103

Additional copy sent by email to: Tracy Cortez, tracy@racdb.com

SUBJECT: Correction Notice: Third Revised Zoning Clearance Application No. ZC22-1424

Dear Ms. Cortez:

The Planning Division reviewed your third revised Zoning Clearance Application No. ZC22-1424, submitted on March 21, 2023, that includes a significantly scaled-down scope of work from the earlier requests. The revised application includes a request to authorize after-the-fact demolition of interior walls, plumbing, electrical, and mechanical systems in the original principal dairy building (Building 4), the conversion of a 4,564 sq. ft. (SF) cow barn to an 1,800 SF farmworker dwelling unit and 2,764 SF agricultural storage area (identified as Building 2 on the plans), and the installation of a chain link fence to entirely enclose the nonfunctional pool located at 2275 Aliso Canyon Road, in the unincorporated area of Ventura (APNs: 064-0-130-125 and -145), to partially abate Code Compliance Violation No. CV22-0472 (the "Application"). This Application does not include a request to legalize or authorize any changes to the exterior of Building 4 (refer to Correction Item 6 below) or authorize the occupancy of Building 4 for anything other than agricultural or animal keeping related storage.

The following structures are also existing on the property: storage and maintenance building (9,985 SF) (identified as Building 1A on the plans), agricultural barn (5,341 SF) (identified as Building 1 on the plans), equipment storage building (4,564 SF) (identified as Building 3 on the plans), ranch maintenance building (9,291 SF) (identified as Building 5 on the plans), ranch equipment storage building (5,356 SF) (identified as Building 6 on the plans), partially demolished caretaker dwelling unit (2613 SF) (identified as Building H2 on the plans), a principal dwelling (2,370 SF) (identified as H1 on the plans), hammer mill barn (1,448 SF), and three grain silos (543 SF each).

Please make the corrections outlined below. Pursuant to the executed Compliance Agreement (CA22-0010), section 1(a), please provide corrected plans directly to Franca Rosengren at Franca.Rosengren@ventura.org within 30 days of the date of this correction letter. The corrected plans shall be returned with a copy of this correction letter. To facilitate rechecking of plans, please indicate Sheet Number, detail number and note number where the corresponding correction has been made.

Plan Corrections (All corrected plans shall have the revision date on the corrected plans so as not to cause future confusion.)

1. On all sheets, revise the date the plans were drawn to reflect the most current revision date. The Application shows that the plans were drawn on June 11, 2019. Please revise.
2. On Sheet A-1, under the Existing and Proposed Building Uses and Floor Areas Table, in the Proposed Use column for Building 4, please remove the text "After the Fact Demo Permit." This column is to describe the use of the building, not the permit type.
3. Starting on Sheet A-2 and ending on Sheet A-9, in the title block, please include all assessor's parcel numbers that create the legal lot. Only one assessor's parcel number is shown.
4. On Sheet A-3, under Existing and Proposed Building Uses and Floor Areas, under Required Parking Spaces column, please add the required number of parking spaces for Building H1, Principal Dwelling.
5. On Sheet A-3, show and label the location of the required, uncovered parking spaces for Building H1, Principal Dwelling.
6. On Sheet A-4, the scope of work for Building 4 must be more comprehensive and detailed. It is not clear whether changes to the exterior of the building are part of the Application, what mechanical systems you are referring to, and the location of all after-the-fact demolition work. Based on the revised plans, the only after-the-fact demolition is located on the second floor. Since the previous plans, dated February 8, 2023, showed exterior and interior alterations to the ground floor level that are not shown in the Application, for clarity, please provide the following:
 - a. A separate scope of work for each level of Building 4 that details the type of after-the-fact demolition that occurred on each level and a corresponding legend (e.g., Basement Level: four interior (non-load bearing) walls were removed in rooms B2 and B3; Ground level: a toilet was removed in Bath 1.17, electrical panels removed.).

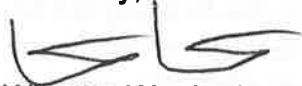
- b. Identify the location on the plans of each after-the-fact demolition area. If no after-the-fact demolition occurred on a certain level of Building 4, please clarify that on the plans.
- c. Clarify if any after-the-fact (or proposed) exterior changes to the building will be made as part of this Application, such as window or door replacements. There are photographs of this building in the record that contradict the recently submitted plans. For example, on the west elevation (see attached photograph), there is a large opening where a window would be (there is currently no framing or glazing). However, the recently submitted plans show an existing intact window on the west elevation drawing (refer to sheet A-7). The current plans do not accurately portray the existing state of the building.

Please revise the existing floor plans and elevation drawings to depict the actual existing state of the building. This would also be true for the interior of the building, if that is the case. If there are missing canopies, framing for windows, glazing and doors, then that information needs to be depicted on the plans. In addition to showing the actual existing state of the building, please clarify in writing on the plans, under the scope of work for each level of Building 4, that either: (1) no exterior changes to the building are part of this scope of work; the building will be left in its current state; or, (2) there are exterior changes and they include [provide the details].

- 7. Please refer to Item A(6) above for corrections to the elevation drawings. Please provide a separate scope of work for each elevation of Building 4. If no after-the-fact demolition occurred to any part of the exterior of the building, please clarify that on Sheet A-6 and A-7. Label window panes without glazing, detail all window pane repair work, and label all replacement window and doors.
- 8. On Sheet A-8, please replace the statement "2 existing dwellings" with "2 unpermitted existing dwellings."
- 9. On Sheet A-9, on the floor plan, add the phrase "farmworker dwelling unit" before "gross floor area equal 1,800 SF" to clarify that this area is the designated farmworker dwelling unit.
- 10. The Declaration of Restrictive Covenant for Agricultural Worker Housing has been revised to reflect only one farmworker dwelling unit. Please use the attached revised document (pages 1-5) when you are ready to record the document.

If you have any questions about this correction notice, please contact Ms. Franca A. Rosengren, case planner, at Franca.Rosengren@ventura.org or by phone at 805-654-2045. You may also contact me directly at Winston.Wright@ventura.org or by phone at 805-654-2468.

Sincerely,



Winston Wright, Manager
Permit Administration Section
Ventura County Planning Division

Attachment: Attachment 1 – Third Revised Zoning Clearance Application No. ZC22-1424

C: Kim Prillhart, RMA Director, via email
Dave Ward, Planning Director, RMA Planning Division, via email
Winston Wright, Planning Manager, RMA Planning Division, via email
Dillan Murray, Cultural Heritage Planner, RMA Planning Division, via email
Dean Phaneuf, Code Compliance Supervisor, RMA Code Compliance Division, via email
Billiwhack Ranch LLC, 3048 N. Coolidge Avenue, Los Angeles, CA 90039



County of Ventura Planning Division

800 S. Victoria Avenue, Ventura, Ca. 93009-1740 • (805) 654-2488 • vcrma.org/divisions/planning

Abate Violation ZC22-1424

Assessor's Parcel No.: 0640130145

Date Issued: 04/20/2023
Date Expires: 10/20/2023
Fee: \$484.00
Issued By: F Rosengren

All Associated APNs:

Property Owner:
BILLIWHACK RANCH LLC

Mailing Address:
3048 N COOLIDGE AV
LOS ANGELES, CA 90039

Telephone:

Applicant:
Tracy Cortez

Mailing Address:
1299 Inverness Drive
Pasadena, CA 91103

Telephone: 2133080015

ZONING CLEARANCE TYPE: Abate Violation

Site Address: 2275 ALISO CYN, SANTA PAULA 93060

Parent Case No.: na

Lot Area Sq Ft: 4264088

Legal Lot Status: PMW/LLS

Lot Area Acres: 97.89

Map & Lot No:

PROJECT DESCRIPTION: This Zoning Clearance, ZC22-1424, authorizes the following actions outlined below at the property addressed as 2275 Aliso Canyon Road, in the unincorporated area of Ventura County, on a Cultural Heritage Site of Merit, to partial resolve Code Compliance Violation Case CV22-0472 and in accordance with the milestones set forth in Compliance Agreement CA-0010:

(1) After the fact demolition permit for the removal of interior walls, sink and cabinets, and kitchen cabinets and electrical and mechanical systems on the second story of an existing two story agricultural building (identified as Building 4 on attached site plan, Sheet A-4); the removal of a canopy on the southwest facade and the removal of a roll-up door also on the southwest facade located on the ground level of Building 4 (Sheet A-4 of approved site plans); and, the replacement of any missing or damaged panes of glass at the southwest end of Building 4 only (Sheets A-4, A-6 and A-7 of approved site plan). This Zoning Clearance does not authorize or legalize any other changes to the interior or exterior of Building 4 or authorize the occupancy of Building 4 for anything other than agricultural or animal keeping related storage;

(2) Conversion of a 4,564 GFA agricultural barn to an 1,800 GFA farmworker dwelling unit and the remainder 2,764 GFA as agricultural storage containing a 1/2 bathroom no larger than 36 SF (identified as Building 2 on attached site plan). An interior wall will be constructed to separate the farmworker dwelling from the agricultural storage. No internal access between the two uses. All regulations of NCZO section 8107-41.2 apply to the farmworker dwelling unit; and,

(3) Installation of a 6-foot-tall chain-link fence around the entirety of the nonfunctional pool and pad area at the southeast corner of the property.

The Agricultural Commissioner's Office confirmed there is at least 60 acres of irrigated orchards on the property. A Farmworker Dwelling Unit Deed Restriction has been recorded in the Ventura County Recorder's Office and is attached to this Zoning Clearance. A Verification Declaration is required to be submitted to the Planning Division by May 15th of each year to confirm the farmworker living in the farmworker dwelling unit continues to be employed in compliance with NCZO section 8107-41.2.2.

The following structures also exist on the property: a 9,985 SF storage and maintenance building identified as Building 1A on the attached plans, a 5,341 SF agricultural barn identified as Building 1 on the attached plans, a 4,564 SF equipment storage building identified as Building 3 on the attached plans, a 9,291 SF ranch maintenance building identified as Building 5 on the attached plans, a 5,356 SF ranch equipment storage building identified as Building 6 on the attached plans, a partially demolished caretaker dwelling unit without any walls, floors, or utilities with a 2,613 SF roof remaining identified as Building H2 on the attached plans (subject of Appeal Case No. PL20-0032), a 1,448 SF hammer mill barn, and three grain silos at 543 SF each.

Please be advised that because this property already exceeds 20,000 SF of agricultural accessory structures, any newly proposed agricultural accessory structures on this property requires a Planning Director-approved Conditional Use Permit pursuant to NCZO section 8105-4.

County of Ventura
Board of Supervisors Hearing
PL20-0032
Exhibit 3.36 - April 20, 2023 Approved
Zoning Clearance

APPLICABLE ZONING:**Zoning AE-40 ac****Area Plan:****General Plan:** Agricultural**Zoning:** N/A**Area Plan Designation:** N/A**Split Zoning:****Zoning:** N/A**Area Plan Designation:** N/A**General Plan:** N/A**BUILDING COVERAGE ALLOWANCE:****Maximum Building Coverage:**

<u>Building Coverage</u>	<u>Existing</u>	<u>Proposed</u>	<u>Combined</u>
Prin. Structure(s) sf.	2370	0	2370
Accessory Structure(s) sf.	47991	1800	49791
Total sf.	50361	1800	52161
% of Bldg. Coverage	1.18	0.04	1.22

SQUARE FOOTAGE:

<u>Building Coverage</u>	<u>Existing</u>	<u>Proposed</u>	<u>Combined</u>
Principal Dwelling	2185	0	2185
Accessory Structure DU	0	0	0
Accessory 2nd DU	0	0	0
Principal Structure AG	0	0	0
Acc Structure AG	56258	1800	58058
Other Principal Structure	0	0	0
Other Acc. Structure	0	0	0

Does the cumulative GFA of any of the structures exceed the maximum ministerial allowance? Yes

DEVELOPMENT STANDARDS**Structure No. 2** Proposed Accessory convert 1,800 SF of 4,564 barn to FWDU (building 2)**Category:** 8105-4-Agriculture and Agricultural Operations**Sub Category:** Accessory Uses and Structures**Specific Use:** Farmworkers Dwelling Units**Max Height:****Structure 50 Years and Older:** Yes**CHB Review Required:** Yes**Parking Requirements**

Number of Spaces: 2

Parking Space Size: Standard

Parking Configuration: Standard

Setbacks From Lot Line Or Road Easement

Allowed Intrusions Notes: Reviewed by CHB in 2019 and exempt for new submittal per Dillan Murray

Structure No. 3 Existing Accessory retain 2,765 SF of 4,564 barn to agricultural storage (building 2)**Category:** 8105-4-Agriculture and Agricultural Operations**Sub Category:** Accessory Uses and Structures**Specific Use:** Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000**Max Height:****Structure 50 Years and Older:** Yes**CHB Review Required:** Yes**Setbacks From Lot Line Or Road Easement**

Allowed Intrusions Notes: Reviewed by CHB in 2019 and exempt for new submittal per Dillan Murray

Structure No. 5 Existing Accessory agricultural storage and maintenance building (1A)

Category: 8105-4-Agriculture and Agricultural Operations

Sub Category: Accessory Uses and Structures

Specific Use: Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000

Max Height:

Structure 50 Years and Older:

CHB Review Required:

Structure No. 6 Existing Accessory agricultural barn (building 1)

Category: 8105-4-Agriculture and Agricultural Operations

Sub Category: Accessory Uses and Structures

Specific Use: Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000

Max Height:

Structure 50 Years and Older:

CHB Review Required:

Structure No. 7 Existing Accessory agricultural equipment storage building (building 3)

Category: 8105-4-Agriculture and Agricultural Operations

Sub Category: Accessory Uses and Structures

Specific Use: Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000

Max Height:

Structure 50 Years and Older:

CHB Review Required:

Structure No. 8 Existing Accessory ranch maintenance building (building 5)

Category: 8105-4-Agriculture and Agricultural Operations

Sub Category: Accessory Uses and Structures

Specific Use: Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000

Max Height:

Structure 50 Years and Older:

CHB Review Required:

Structure No. 9 Existing Accessory agricultural equipment storage building (building 6)

Category: 8105-4-Agriculture and Agricultural Operations

Sub Category: Accessory Uses and Structures

Specific Use: Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000

Max Height:

Structure 50 Years and Older:

CHB Review Required:

Structure No. 10 Existing Accessory hammer mill barn

Category: 8105-4-Agriculture and Agricultural Operations

Sub Category: Accessory Uses and Structures

Specific Use: Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000

Max Height:

Structure 50 Years and Older:

CHB Review Required:

Structure No. 11 Existing Accessory three grain silos

Category: 8105-4-Agriculture and Agricultural Operations

Sub Category: Accessory Uses and Structures

Specific Use: Accessory Structures Related to Agriculture and Animals Husbandry/Keeping Over 20,00 sq.ft.to100,000

Max Height:

Structure 50 Years and Older:

CHB Review Required:

Structure No. 1 Existing Accessory Agricultural Building (Building 4)**Category:** 8105-4-Agriculture and Agricultural Operations**Sub Category:** N/A**Specific Use:** N/A**Max Height:****Structure 50 Years and Older:****CHB Review Required:****Structure No. 1** Existing Principal Single-family dwelling (H1)**Category:** 8105-4-Dwellings**Sub Category:** Dwelling: Single Family**Specific Use:** N/A**Max Height:****Structure 50 Years and Older:****CHB Review Required:****Parking Requirements**

Number of Spaces: 2

Parking Space Size: Standard

Parking Configuration: Standard

BELOW ARE SETBACK EXCEPTIONS THAT MAY APPLY**Allowed Intrusions into Setbacks:**

Stairways & balconies, open & unenclosed:

2.5' front, 4' rear

Porches & Landings, uncovered/unenclosed, at or below 1st floor:

6' front, 3' rear and side

Chimneys/fireplaces, masonry:

2' into all setbacks; keep min. 3' side setback

Architectural Features (e.g. eaves, cornices, canopies, etc.):

2.5' front, 2' side, 4' rear; keep min 2' side/rear setback

Are There Setback Exceptions? No

Setback Exceptions:

Required Setbacks Between:

Habitable Structures: 10'

Habitable & Non-habitable Structures: 6'

Non-habitable Structures: 6'

Setbacks Between:

FEES:**Total Fees: 484.00****ATTACHMENT(S):**

Y Plot/Site Plan
 N Ordinance Standards
 Y Compliance Agreement
 N Declaration
 N Cross Sections
 N HOA Approval

Y Floor Plans
 N Permit Conditions
 Y Elevations
 N Removal Notice and Caveats
 N Arborist Report
 N Affidavit

OTHER:

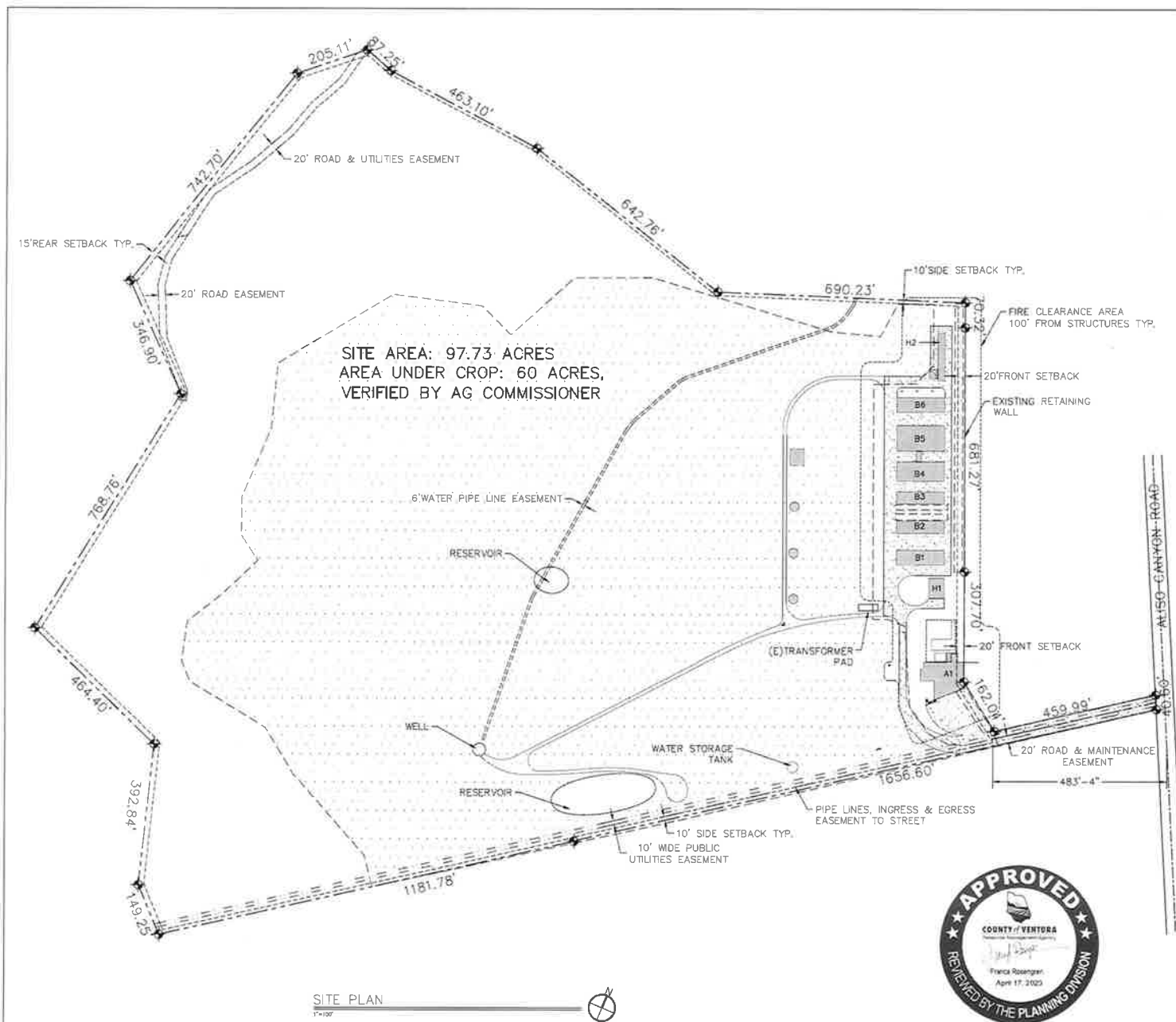
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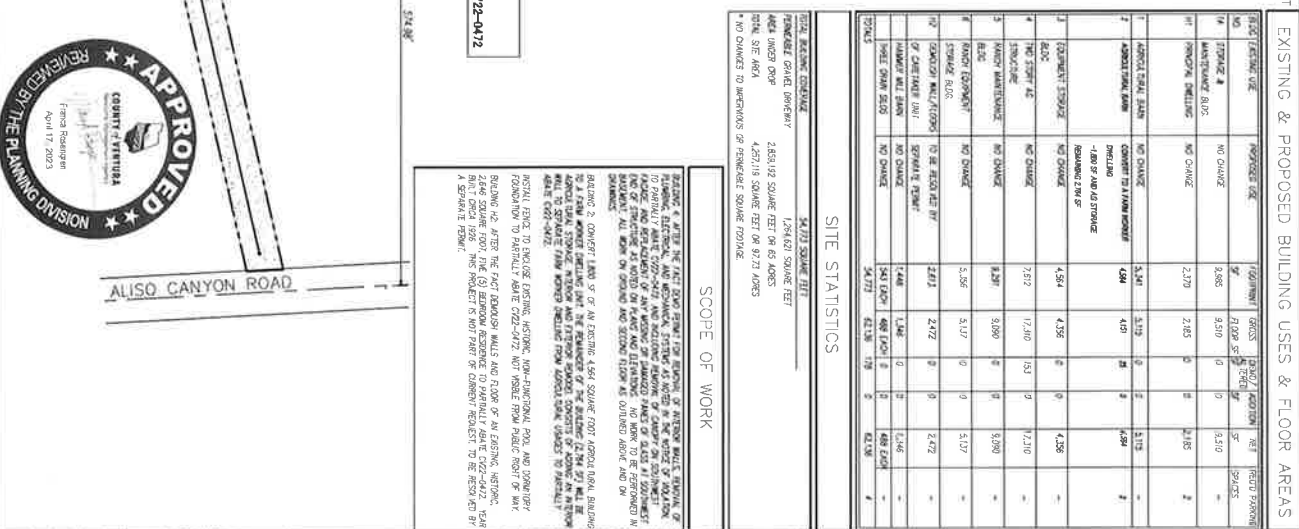
1. This Zoning Clearance will be nullified pursuant to Sec. 8111-2.6 of the Non-Coastal Zoning Ordinance and Sec. 8181-5.3 of the Coastal Zoning Ordinance if the information provided by the applicant was not full, true and correct; it was issued erroneously; or it does not comply with the terms and conditions of the permit originally granting the use.
2. Zoning Clearances for which a Building Permit is required are valid for 180 days following issuance of the Zoning Clearance during which time a complete Building Permit application must be submitted to the Ventura County Building and Safety Division. If a Building Permit application is not submitted within 180 days of issuance of the Zoning Clearance, the Zoning Clearance expires. Zoning Clearances shall expire 360 days from submittal of the Building Permit application even if the Building Permit application is renewed. Once a Building Permit is issued, construction must commence in accordance with the required timeline set forth in the Ventura County Building Code. This Zoning Clearance expires if the related Building Permit expires, is withdrawn, is terminated, is renewed, and/or there is a design change.
3. Zoning Clearances for which a Building Permit is not required are valid for 180 days following issuance of the Zoning Clearance. If the authorized development has not received all other required County entitlements and licenses and/or development activities have not commenced on or before the 180th day, the Zoning Clearance expires. If the development has received all other required County entitlements and licenses and development activities have commenced on or before the 180th day, the Zoning Clearance shall remain valid so long as the development remains consistent with the Zoning Ordinance or the conditions of a previously issued entitlement.
4. An applicant may apply for an extension of the 180-day Zoning Clearance expiration date provided that the request for an extension is submitted in writing no later than 30 days prior to the expiration date of the Zoning Clearance and the required fees are paid. A one-time extension may be granted by the Planning Division for a period of up to 180 days provided that (a) there are no material changes to the project or its constituent structures or development, (b) the project is consistent with all applicable General Plan policies, entitlements, and development standards of the Zoning Ordinance in effect at the time the extension is sought, and (c) the project remains subject to the Zoning Clearance permitting requirement, as opposed to a newly enacted discretionary permitting requirement.
5. The property owner is responsible for identifying all property lines and ensuring that all local and state requirements are complied with.
6. Authorizations and approvals by other County Departments that exceed the allowable limits noted herein do not excuse the property owner from complying with the provisions of this Zoning Clearance. (The stricter provisions apply).
7. The proposed project will not result in the removal of more than 50% of the roof or floor area of a non-conforming structure.
8. Property owners shall submit a Verification of Employment Declaration for Zoning Clearances authorizing Farmworker/Animal Caretaker Dwelling Units by May 15th of each year and any applicable fees demonstrating to the Planning Director's satisfaction that the farmworker/animal caretaker meets the Zoning Ordinances' applicable employment criteria.
9. If the property subject of this Zoning Clearance is within the boundary of a Homeowner's Association or Property Owner's Association, additional review and approval of the project may be required by the HOA/POA's Conditions, Covenants & Restrictions (CC&R's). HOA/POA review and approval is the responsibility of the property owner.
10. If the proposed project is located within the Dark Sky Overlay Zone, all new outdoor lighting shall be installed to be consistent with standards outlined in Sec. 8109-4.7 of the Non-Coastal Zoning Ordinance.

BY SIGNING BELOW I CERTIFY THE FOLLOWING:

- I am the owner of the subject property or I am the authorized agent of the property owner and have his/her permission to obtain this Zoning Clearance. I have illustrated on the attached site plan all of the following applicable attributes: existing and proposed structures, Protected Trees (Oaks, Sycamores, and any 30+" diameter trees), marshes, wetlands, streams, rivers, landslides, edges and toes of slopes, abandoned or active oil wells, septic systems and leach fields. I have accurately illustrated all roads, public and private easements, and utilities on the attached site plan and accept responsibility for any encumbrances, restrictions, or agreements on the subject property.
- The information provided in this Zoning Clearance and attached site plans, floor plans, and elevations and landscape plans (if applicable) are full, true and correct.
- I have been informed that I am responsible for contacting the applicable HOA/POA to ensure compliance with the CC&R's.
- I have reviewed, read, and understand the terms, notes and conditions of this Zoning Clearance and as depicted in related attachments, and agree to abide by them and all other provisions of the Zoning Ordinance. I further understand that this Zoning Clearance can be nullified for cause as noted above.
- I agree to defend, indemnify and hold harmless the County of Ventura, including all of its boards, agencies, departments, officers, employees, agents and volunteers, against any and all claims, lawsuits (whether against property owner, County of Ventura or others), judgments, debts, demands and liability, including those arising from injuries or death of persons and for damages to property, arising directly or indirectly out of the obligations of this Zoning Clearance or undertaken or out of operations conducted or subsidized in whole or in part by property owner, save and except claims or litigations arising through the sole negligence or wrongdoing and/or sole willful misconduct of County of Ventura.

Tracy CortezTracy Cortez Map 26, 007732-04901**Applicant Signature**





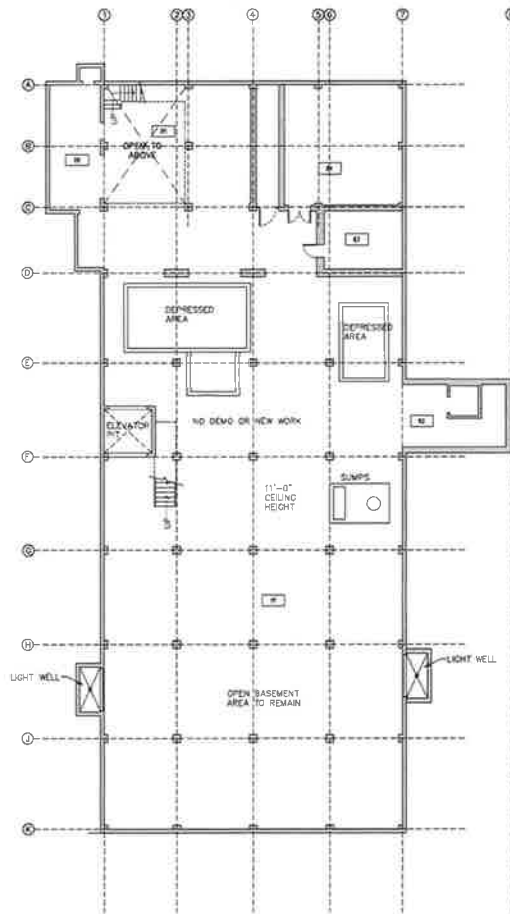
SCOPE OF WORK

A-3

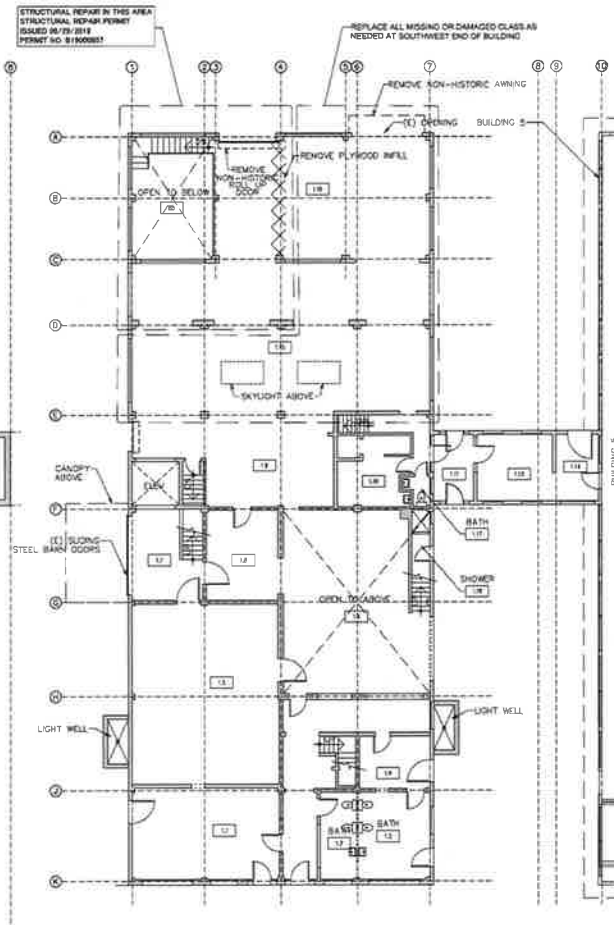

Angeli de Covolo, Inc.
 122 E. Arroyalito Street
 Santa Barbara, California 93101
 805 432 2999



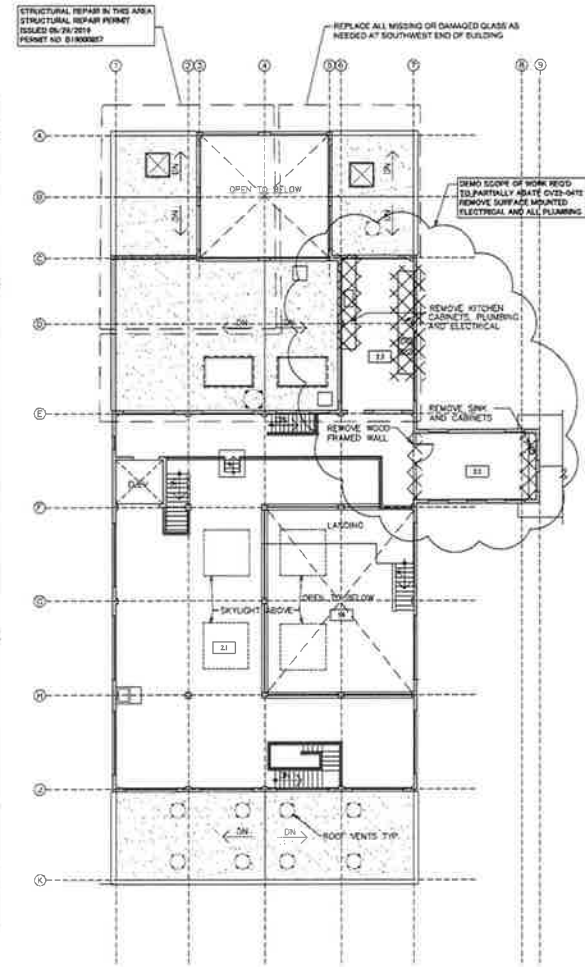
FLOOR PLAN LEGEND	SCOPE OF WORK
<div style="display: flex; justify-content: space-between;"> <div> <div style="border: 1px solid black; width: 10px; height: 10px; display: inline-block;"></div> NEW WALLS <div style="border: 1px dashed black; width: 10px; height: 10px; display: inline-block;"></div> DEMO <div style="border: 1px solid black; width: 10px; height: 10px; display: inline-block;"></div> (E) WOOD FRAMED WALLS <div style="border: 1px solid black; width: 10px; height: 10px; display: inline-block;"></div> CONCRETE WALLS </div> <div> <p>BUILDING 4: AFTER THE FACT DEMO PERMIT FOR REMOVAL OF INTERIOR WALLS, REMOVAL OF PLUMBING, ELECTRICAL, AND MECHANICAL SYSTEMS AS NOTED IN THE NOTICE OF VIOLATION, TO PARTIALLY ABATE CIV22-0472, AND INCLUDING REMOVAL OF CANOPY ON SOUTHWEST FACADE, AND REPLACEMENT OF ANY MISSING OR DAMAGED PANES OF GLASS AT SOUTHWEST END OF STRUCTURE AS NOTED ON PLANS AND ELEVATIONS. NO WORK TO BE PERFORMED IN BASEMENT. ALL WORK ON GROUND AND SECOND FLOOR AS OUTLINED ABOVE AND ON DRAWINGS.</p> </div> </div>	
	NO ALTERATION TO SF
EXISTING SF	≈ 17,310 SF
DEMO/ALTERED SF	≈ 153 SF
NET SF	≈ 17,310 SF



EXISTING BASEMENT FLOOR PLAN AND DEMO PLAN
1/8"=1'-0"



EXISTING GROUND LEVEL FLOOR PLAN AND DEMO PLAN
1/8"=1'-0"



EXISTING 2ND LEVEL FLOOR PLAN AND DEMO PLAN
1/8"=1'-0"

Angeli de Covolo, Inc.
122 E. Cayuga Street
Santa Barbara, California 93101
805-452-2199

DATE	BY	CHKD	APP'D
04/17/23	FRANCA ROSENGREN		
04/17/23	FRANCA ROSENGREN		

ATM 024-0-130-135 AND 044-0-130-135

SHEET CONTENTS
BUILDING 4
EXISTING FLOOR PLANS
GAND SCOPE

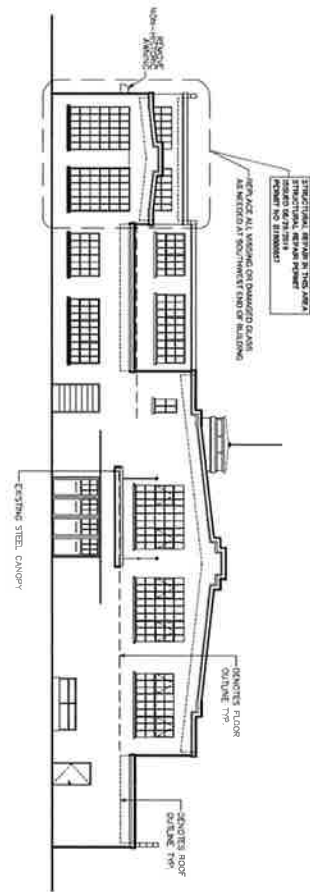
NO.	DATE	DESCRIPTION
1	04/17/23	ISSUED FOR PERMIT
2	04/17/23	ISSUED FOR PERMIT



A.P.N.: 064-0-130-125 AND 064-0-130-145

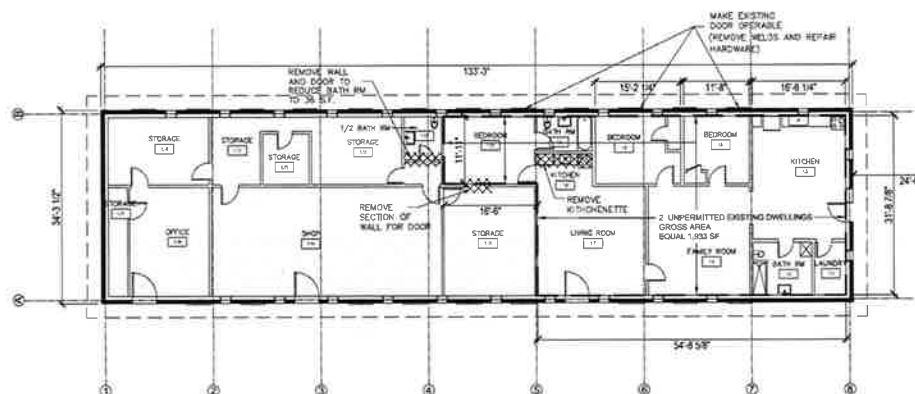
5	NO	REVISION	DATE
		ENGINE REVISION	05/27/2011
		ENGINE MANUFACTURE	06/01/2011



[illegible]

① EXISTING WEST ELEVATION
SCALE 1/8" = 1'-0"

 **Angeli de Covolo, Inc.**
122 E. Arroyales Street
Santa Barbara, California 93101
805 482 2099



EXISTING FLOOR PLAN / DEMO PLAN

FLOOR PLAN LEGEND

 NEW WALLS
 DEMO
 (E) WOOD FRAMED WALLS
 CONCRETE WALLS
 AG USE AREA

SCOPE OF WORK

BUILDING 2: CONVERT 1,800 SF OF AN EXISTING 4,564 SQUARE FOOT AGRICULTURAL BUILDING TO A FARM WORKER DWELLING UNIT. THE REMAINDER OF THE BUILDING (2,764 SF) WILL BE AGRICULTURAL STORAGE. INTERIOR AND EXTERIOR REMODEL CONSISTS OF ADDING AN INTERIOR WALL TO SEPARATE FARM WORKER DWELLING FROM AGRICULTURAL USAGES TO PARTIALLY ABATE C192-C472.

NO ALTERATION TO SF

EXISTING SF	= 4,584 SF
DEMO/ALTERED SF	= 25 SF
NET SF	= 4,584 SF

GENERAL NOTES



Angeli de Covolo, Inc.

NO.	RELATION	DATE
1	2000-2001	10/20/2002
2	2001-2002	10/20/2002

A.P.N.: 064-0-130-125 AND 064-0-130-145

WILLIAMSON BROSCH
2275 ALISO CANYON ROAD
SANTA ANITA, CA 93000
BILL WHACK R

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BUILDING 2

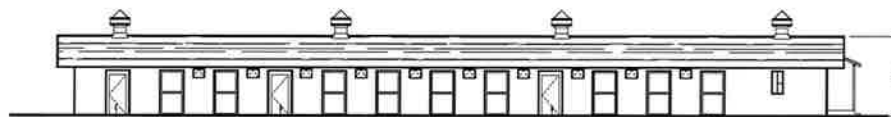
EXISTING FLOOR PLANS

AND ELEVATIONS DEMO SCOPE

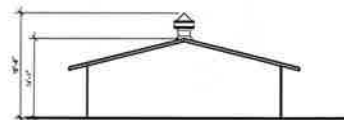
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1 PROPOSED EAST
SCALE 1/8"=1'-0"
NO CHANGE



1 PROPOSED SOUTH
SCALE 1/8"=1'-0"
NO CHANGE



3 PROPOSED WEST
SCALE 1/8"=1'-0"
NO CHANGE



4 PROPOSED NORTH
SCALE 1/8"=1'-0"
NO CHANGE

FLOOR PLAN LEGEND

- NEW WALLS
- DEMO
- (E) WOOD FRAMED WALLS
- CONCRETE WALLS
- AG USE AREA

SCOPE OF WORK

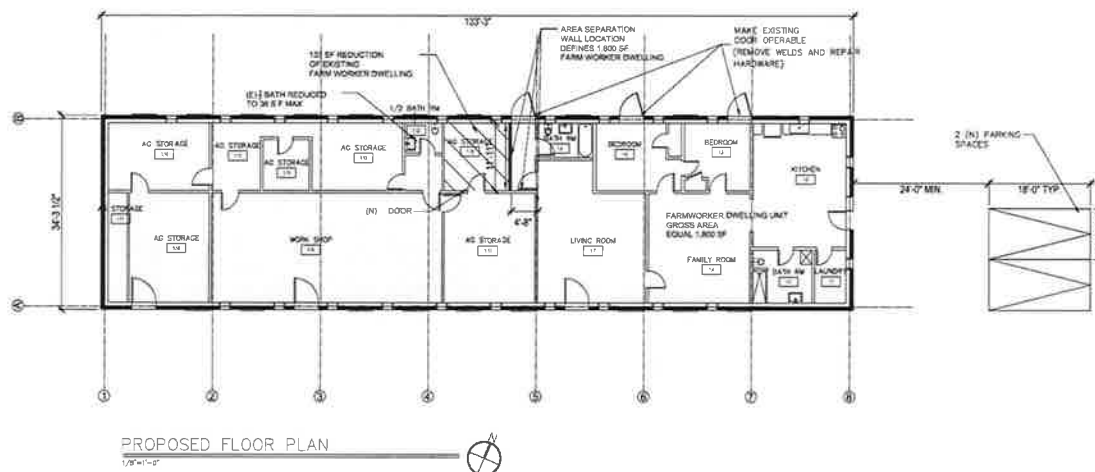
BUILDING 2: CONVERT 1,800 SF OF AN EXISTING 4,564 SQUARE FOOT AGRICULTURAL BUILDING TO A FARM WORKER DWELLING UNIT. THE REMAINDER OF THE BUILDING (2,764 SF) WILL BE AGRICULTURAL STORAGE. INTERIOR AND EXTERIOR REMODEL CONSISTS OF ADDING AN INTERIOR WALL TO SEPARATE FARM WORKER DWELLING FROM AGRICULTURAL USAGES TO PARTIALLY ABATE 0122-0472.

NO ALTERATION TO SF

EXISTING SF = 4,564 SF
DEMO/ALTERED SF = 25 SF
NET SF = 4,564 SF

GENERAL NOTES

BEDROOM EQUIVALENTS 2
BATHROOMS 2
AG USE BATHROOM: 1 HALF BATH



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DATE	REVISION
10/1/2023	1.0
10/1/2023	2.0
10/1/2023	3.0
10/1/2023	4.0

APN: 064-0-135-125 AND 064-0-135-145

BILLWACK RANCH
SANTA BARBARA, CA 93101
BILLWACK RANCH RENOVATION

SHEET CONTENTS
BUILDING 2
PROPOSED FLOOR PLANS
AND ELEVATIONS

DATE	REVISION
10/1/2023	1.0
10/1/2023	2.0
10/1/2023	3.0
10/1/2023	4.0

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