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Telephone Number of Appellant:

Is the appellant a party in the application?  
"aggrieved person."

. If not, state the basis for filing the appeal as an

\_\_\_\_\_  
Signature of Appellant

\_\_\_\_\_  
Date

Appeal and deposit fee of \$1,000.00 (pursuant to fee schedule specified by Resolution No. 222  
of the Ventura County Board of Supervisors) received by the Planning Division at \_\_\_\_\_(time) on  
\_\_\_\_\_, 20\_\_\_\_\_.

Dave Ward, AICP  
Director- Planning Division

By \_\_\_\_\_

**State of California**

**PUBLIC RESOURCES CODE**

**Section 5020.7**

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5020.7. The Legislature recognizes that the long-term preservation and enhancement of historical resources is dependent, to a large extent, on the good will and cooperation of the general public and of the public and private owners of those resources.

Therefore, it is the intent of the Legislature that public agencies, including the commission and the office, shall endeavor to carry out their responsibilities under this article in a manner designed to elicit the cooperation of the owners of both identified and unidentified resources, to encourage the owners to perceive these resources as assets rather than liabilities, and to encourage the support of the general public for the preservation and enhancement of historical resources.

(Added by Stats. 1992, Ch. 1075, Sec. 3. Effective January 1, 1993.)

**State of California**

**HEALTH AND SAFETY CODE**

**Section 18951**

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18951. It is the purpose of this part to provide alternative regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of qualified historical buildings or structures, as defined in Section 18955. These alternative standards and regulations are intended to facilitate the rehabilitation, restoration, or **change of occupancy** so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

(Amended by Stats. 2003, Ch. 504, Sec. 1. Effective January 1, 2004.)

**State of California**

**PUBLIC RESOURCES CODE**

**Section 5028**

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5028. (a) No structure that is listed on the National Register of Historic Places, on the California Register of Historic Places, or on any local public register of historic places, and that has been damaged due to a natural disaster, including, but not limited to, an earthquake, fire, or flood, may be demolished, destroyed, or significantly altered, except for restoration to preserve or enhance its historical values, unless the structure presents an imminent threat to the public of bodily harm or of damage to adjacent property, or unless the State Office of Historic Preservation determines, pursuant to subdivision (b), that the structure may be demolished, destroyed, or significantly altered.

(b) Any local government may apply to the State Office of Historic Preservation for its determination as to whether a structure meeting the description set forth in subdivision (a) shall be demolished, destroyed, or significantly altered. That determination shall be based upon the extent of damage to the structure, the cost of rehabilitating or reconstructing the structure, the structure's historical significance, and any other factor deemed by the State Office of Historic Preservation to be relevant. In making that determination, the State Office of Historic Preservation shall consider the recommendation made by a team selected by the State Office of Historic Preservation, composed of three residents with historic preservation expertise who reside in the affected county. The determination of the State Office of Historic Preservation shall be issued no later than 30 days after the structure was damaged, or 30 days after the receipt of the application, whichever occurred later.

(Added by Stats. 1989, 1st Ex. Sess., Ch. 3, Sec. 6. Effective November 7, 1989.)

## CHAPTER 8-1

# ADMINISTRATION

Note: The *California Historical Building Code*, Part 8 of Title 24, governs for all qualified historical buildings or properties in the State of California.

### SECTION 8-101

#### TITLE, PURPOSE AND INTENT

**8-101.1 Title.** These regulations shall be known as the *California Historical Building Code* and will be referred to herein as “the CHBC.”

**8-101.2 Purpose.** The purpose of the CHBC is to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties (Chapter 8-2). The CHBC is intended to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users. The CHBC requires enforcing agencies to accept solutions that are reasonably equivalent to the regular code (as defined in Chapter 8-2) when dealing with qualified historical buildings or properties.

**8-101.3 Intent.** The intent of the CHBC is to facilitate the preservation and continuing use of qualified historical buildings or properties while providing reasonable safety for the building occupants and access for persons with disabilities.

### SECTION 8-102

#### APPLICATION

**8-102.1 Application.** The CHBC is applicable to all issues regarding code compliance for qualified historical buildings or properties. The CHBC may be used in conjunction with the regular code to provide solutions to facilitate the preservation of qualified historical buildings or properties. The CHBC shall be used by any agency with jurisdiction and whenever compliance with the code is required for qualified historical buildings or properties.

1. The state or local enforcing agency shall apply the provisions of the CHBC in permitting repairs, alterations and additions necessary for the preservation, restoration, reconstruction, rehabilitation, relocation or continued use of a qualified historical building or property when so elected by the private property owner.
2. **State agencies.** All state agencies shall apply the provisions of the CHBC in permitting repairs, alterations and additions necessary for the preservation, restoration, rehabilitation, safety, relocation, reconstruction or continued use of qualified historical buildings or properties.

**8-102.1.1 Additions, alterations and repairs.** It is the intent of the CHBC to allow nonhistorical expansion or addition to a qualified historical building or property, pro-

vided nonhistorical additions shall conform to the requirements of the regular code. See Chapter 8-2.

**8-102.1.2 Relocation.** Relocated qualified historical buildings or properties shall be sited to comply with the regular code or with the solutions listed in the CHBC. Nonhistorical new construction related to relocation shall comply with the regular code. Reconstruction and restoration related to relocation is permitted to comply with the provisions in the CHBC.

**8-102.1.3 Change of occupancy.** For change of use or occupancy, see Chapter 8-3, Use and Occupancy.

**8-102.1.4 Continued use.** Qualified historical buildings or properties may have their existing use or occupancy continued if such use or occupancy conformed to the code or to the standards of construction in effect at the time of construction, and such use or occupancy does not constitute a distinct hazard to life safety as defined in the CHBC.

**8-102.1.5 Unsafe buildings or properties.** When a qualified historical building or property is determined to be unsafe as defined in the regular code, the requirements of the CHBC are applicable to the work necessary to correct the unsafe conditions. Work to remediate the buildings or properties need only address the correction of the unsafe conditions, and it shall not be required to bring the entire qualified historical building or property into compliance with regular code.

**8-102.1.6 Additional work.** Qualified historical buildings or properties shall not be subject to additional work required by the regular code, regulation or ordinance beyond that required to complete the work undertaken. Certain exceptions for accessibility and for distinct hazards exist by mandate and may require specific action, within the parameters of the CHBC.

### SECTION 8-103

#### ORGANIZATION AND ENFORCEMENT

**8-103.1 Authority.** The state or local enforcing agency, pursuant to authority provided under Section 18954 of the Health and Safety Code, shall administer and enforce the provisions of the CHBC in permitting repairs, alterations and additions necessary for the preservation, restoration, reconstruction, rehabilitation, relocation or continued use of a qualified historical building or property.

**8-103.2 State enforcement.** All state agencies pursuant to authority provided under Section 18954 and Section 18961 of the Health and Safety Code shall administer and enforce the CHBC with respect to qualified historical buildings or properties under their respective jurisdiction.



## CHAPTER 8-3

# USE AND OCCUPANCY

### SECTION 8-301 PURPOSE AND SCOPE

**8-301.1 Purpose.** The purpose of the CHBC is to provide regulations for the determination of occupancy classifications and conditions of use for qualified historical buildings or properties.

**8-301.2 Scope.** Every qualified historical building or property for which a permit or approval has been requested shall be classified prior to permit issuance according to its use or the character of its occupancy in accordance with the regular code and applicable provisions of this chapter.

### SECTION 8-302 GENERAL

**8-302.1 Existing use.** The use or character of occupancy of a qualified historical building or property, or portion thereof, shall be permitted to continue in use regardless of any period of time in which it may have remained unoccupied or in other uses, provided such building or property otherwise conforms to all applicable requirements of the CHBC.

**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.

**8-302.3 Occupancy separations.** Required occupancy separations of more than one hour may be reduced to one-hour fire-resistive construction with all openings protected by not less than three-fourths-hour fire-resistive assemblies of the self-closing or automatic-closing type when the building is provided with an automatic sprinkler system throughout the entire building in accordance with Section 8-410.2. Doors equipped with automatic-closing devices shall be of a type which will function upon activation of a device which responds to products of combustion other than heat.

Required occupancy separations of one hour may be omitted when the building is provided with an automatic sprinkler system throughout.

**8-302.4 Maximum floor area.** Regardless of the use or character of occupancy, the area of a one-story qualified historical building or property may have, but shall not exceed, a floor area of 15,000 square feet (1393.5 m<sup>2</sup>) unless such an increase is otherwise permitted in regular code. Multistory qualified historical buildings (including basements and cellars) shall be in accordance with regular code requirements.

**Exception:** Historical buildings may be unlimited in floor area without fire-resistive area separation walls:

1. When provided with an automatic sprinkler, or
2. Residential occupancies of two stories or less when provided with a complete fire alarm and annunciation system and where the exiting system conforms to regular code.

**8-302.5 Maximum height.** The maximum height and number of stories of a qualified historical building or property shall not be limited because of construction type, provided such height or number of stories does not exceed that of its historical design.

**8-302.5.1 High-rise buildings.** Occupancies B, F-1, F-2 or S in high-rise buildings with floors located more than 75 feet above the lowest floor level having building access may be permitted with only the stories over 75 feet provided with an automatic fire sprinkler system if:

1. The building construction type and the exits conform to regular code, and
2. A complete building fire alarm and annunciation system is installed, and
3. A fire barrier is provided between the sprinklered and nonsprinklered floors.

**8-302.6 Fire-resistive construction.** See Chapter 8-4.

**8-302.7 Light and ventilation.** Existing provisions for light and ventilation which do not, in the opinion of the enforcing agency, constitute a safety hazard may remain. See Section 8-303.6 for residential requirements. See Section 8-503 for Escape or Rescue Windows and Doors.

### SECTION 8-303 RESIDENTIAL OCCUPANCIES

**8-303.1 Purpose.** The purpose of this section is to provide regulations for those buildings designated as qualified historical buildings or properties and classified as residential occupancies. The CHBC requires enforcing agencies to accept any reasonably equivalent alternative to the regular code when dealing with qualified historical buildings and properties.

**8-303.2 Intent.** The intent of the CHBC is to preserve the integrity of qualified historical buildings and properties while maintaining a reasonable degree of protection of life, health and safety for the occupants.

**8-303.3 Application and scope.** The provisions of this section shall apply to all qualified historical buildings used for human habitation. Those dwelling units intended only for display, or public use with no residential use involved, need not comply with the requirements of this section.

**8-303.4 Fire escapes.** See Chapter 8-5.

**8-303.5 Room dimensions.** Rooms used for sleeping purposes may contain a minimum of 50 square feet (4.6 m<sup>2</sup>) floor area, provided there is maintained an average ceiling height



## STATE HISTORICAL BUILDING SAFETY BOARD

April 2, 2020

Mr. James H. Smith, Esq.  
Rogers, Sheffield & Campbell, LLP  
152 East Carrillo Street  
Santa Barbara, CA 93101

Re: Billiwhack Ranch, Ventura County – Request for Opinion Regarding Qualification  
of Historical Property and Structures

Dear Mr. Smith

This letter is in response to your request for an informal opinion regarding qualification of certain buildings on the 100-acre ranch in Ventura County known as the "Billiwhack Ranch."

I have reviewed your request and attachments provided by your letter dated March 19, 2020. Based on the letter and attachments, the Billiwhack Ranch was identified as a Site of Merit in the County's Historical Resources Survey, and the all structures on the ranch were awarded National Register ratings of 3D (appears to be eligible as a contributor to a National Register eligible district). Assuming that all the buildings the owner is planning to restore were identified and ranked in the survey, these buildings would be considered Qualified Historical Buildings by definition of the California Historical Building Code (CHBC), and therefore eligible for use of the CHBC.

Should you have any questions, please contact Derek Shaw, Executive Director of the State Historical Building Safety Board at (916) 324-7178.

Sincerely,

Alan Dreyfus, Chair  
State Historical Building Safety Board



- (3) Has at least one of the criteria for significance of Section 1365-5.a. 1-8
- (4) Complies with the criteria for integrity contained in Section 1365-5.a.6.

Sec. 1365-6. ADDITIONAL DESIGNATION STANDARDS. In addition to meeting the criteria in Sec. 1365-5 et seq, all the following standards must be met before a site becomes a designated Cultural Heritage Site:

- a. It shall have historic, aesthetic or special character or interest for the general public, and not be limited in interest to a special group of persons;
- b. Its designation shall not require the expenditure by the County of Ventura of any amount of money not commensurate with the value of the object to be preserved; and
- c. Its designation shall not infringe upon the rights of a private owner thereof to make any and all reasonable uses thereof which are not in conflict with the purposes of this Article.

**Sec. 1366. Certificate of Appropriateness (COA):** Certificates of Appropriateness shall be required for the following categories of sites only: 1. Landmark 2. Points of Interest 3. Demolition of Sites of Merit 4. Demolition of potential sites 5. Designated Cultural Heritage Sites seeking a Planned Development Permit pursuant to Section 8107-37 of the Ventura County Zoning Ordinance. Certificates of Appropriateness (and as they may be conditioned) are authorizations issued by the Cultural Heritage Board, or support staff in accordance with criteria adopted by the Board, which indicate that the proposed maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, relocation, or subdivision of a designated Cultural Heritage Site will not adversely affect its cultural heritage values; or unduly compromise the eligibility of a potential site to become a designated Cultural Heritage Site.

Sec. 1366-1. Prior to commencement of or receipt of necessary permits for maintenance, alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, subdivision or relocation, of designated Cultural Heritage Sites or sites potentially eligible for such designation, the land owner shall have:

- a. obtained a Certificate of Appropriateness from the Cultural Heritage Board or staff, as the Board may delegate such authority, or
- b. filed for a COA and waited the time specified in Section 1366-5 without any action being taken on his request for a COA; or
- c. filed for a Certificate of Appropriateness and the relevant time specified in Section 1366-8 has expired;

Sec. 1366-2. The County Resource Management Agency and other applicable County agencies shall report any application for a permit to work on a designated Cultural Heritage Site or potentially eligible site to the Cultural Heritage Board and its staff as soon as the application has been received;

Sec. 1366-3. In evaluating requests for Certificates of Appropriateness, the Cultural Heritage Board and staff shall consider the existing architectural style, design, arrangement, texture, materials, and any other factors with regard to the site's original distinguishing characteristics. Using the Secretary of the Interior's Standards for Historic Preservation Projects as a guide, the Cultural Heritage Board or its staff, as delegated, shall approve a Certificate of Appropriateness, for any proposed work site if, and only if, one of the following findings can be made:

- a. The proposed work will neither adversely affect the significant architectural features nor adversely affect the character of historical, architectural or aesthetic interest or value of the site.
- b. In the case of construction of a new improvement, addition, building or structure upon the site, the use and exterior of such construction will not adversely affect, and will be compatible with the use and, or exterior of the site.
- c. The denial of a Certificate of Appropriateness will deprive the owner of the property of all reasonable use of or economic return on the property.
- d. If the applicant presents facts and clear evidence demonstrating that failure to approve the request for a Certificate of Appropriateness will cause a hardship because of conditions peculiar to the structure or other feature involved, or damage to the property owner is unreasonable in comparison to the benefit conferred to the community, the Board may conditionally approve such Certificate, even though it does not meet the standards set forth herein.
- e. If the request for a COA involves a non-designated site and the proposed work would not compromise the potential future designation of the site.

Sec. 1366-4. Requests for Certificates of Appropriateness shall be signed by the land owner or their designated agent and filed with the County's Resource Management Agency for processing. Requests shall include plans and specifications, and the relationship of the proposed work to the surrounding environs. The request shall be accompanied by any other information the Cultural Heritage Board determines is required to make an informed judgment of the proposed work according to the standards of review pursuant to Section 1364-12.



Sec. 1366-5. If the Cultural Heritage Board or staff, as applicable, fails to act on a request for a Certificate of Appropriateness within ninety (90) days of submission of a complete COA application, a Certificate of Appropriateness shall not be required; proposed projects on undesignated and designated Cultural Heritage Sites may proceed without an approved COA, provided an action is not pending on the designation of the site, and all other necessary permits have been obtained.

Sec. 1366-6. If no building, planning or other permit is required to pursue work on a designated Cultural Heritage Site or potentially eligible site, where the owner has been notified of the site's eligible status; whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply to the Cultural Heritage Board staff directly for the appropriate authorization pursuant to Sec. 1364-12 or Sec. 1366.;

Sec. 1366-7. The Cultural Heritage Board or staff may disapprove the issuance of said Certificate or Certificates for any proposed work if, and only if, it makes one of the following applicable findings:

- a. The proposed project is to remove or demolish a designated Cultural Heritage site that is determined by the Cultural Heritage Board to be significant and important to the history of the County.
- b. The proposed project would adversely affect the historical significance of the site or would not be compatible with the use and/or exterior of the designated Cultural Heritage site.
- c. The proposed project would adversely affect the eligibility of a potential site to become a designated Cultural Heritage Site.

A decision of staff may be appealed to the Cultural Heritage Board and a Board decision may be appealed to the Board of Supervisors within 15 days of notification of the decision.

Sec. 1366-8. If the request for a Certificate of Appropriateness for a specific project proposal is denied by the Cultural Heritage Board or staff, the property owner of a designated Cultural Heritage Site shall be prohibited from taking action for 180 days from the date of the disapproval. Notwithstanding the provisions of section 1366-7 or any other provision of the Cultural Heritage Ordinance, following the date of denial of a complete Certificate of Appropriateness application by the Ventura County Cultural Heritage Board or by staff, a Certificate of Appropriateness shall not be required as follows: (a) in the case of a designated or interim basis Cultural Historical Site, one hundred eighty (180) days beyond; and (b) in the case of an undesignated site, immediately following such denial. Said decisions may be appealed to the Board of Supervisors within 15 days or decisions by staff may be appealed to

## Everett Woody

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**From:** Ward, Dave <Dave.Ward@ventura.org>  
**Sent:** Friday, April 03, 2020 3:46 PM  
**To:** Everett Woody  
**Cc:** Thomas, Denise; RAC architects (rick@racdb.com); Tracy Cortez; Nate Whitson; Billiwhack (billiwhack@racdb.com); James H. Smith; Barrera, Ruben; Wright, Winston; Paniagua, Adrian  
**Subject:** Follow up to March 16 2020 meeting -- Billiwhack Ranch: Use of Historic Building Code and Zoning Questions  
**Attachments:** Billiwhack Ranch DPR forms.pdf; NRSC's.pdf

Case Nos. BP-C19001283; ZC-19-1390 and ZC-19-0684

Hello Everett

On March 16, 2020, staff met with you to discuss the Billiwhack Ranch project located at 2275 Aliso Canyon Road in unincorporated Ventura County (case number CV19-0100). During the meeting you wanted Planning Division Staff to advise whether the Historic Building Code may be used for this project and you wanted to know what status or decision is for the application currently under process listed above. We indicated that since your focused interest was on the historic building code, we prioritized that response which concluded this week.

With respect to the Historic Building Code, after research and consultation with the County Counsel, staff finds the Historic Building Code can be used for a portion(s) of this project. Section 18955 of the Historic Building Code states, in pertinent part, "[A] qualified historical building or structure is any structure or property, collection of structures, and their related sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include historical buildings or such structures on existing or future national, state, or local historical registers or official inventories, [...] and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks." The Billiwhack Ranch is identified in the Western Santa Clara Survey Phase V, 1995 prepared for the County of Ventura by the San Buenaventura Research Associates (SBRA). The Department of Parks and Recreation form prepared for this property by SBRA identifies the site as eligible for listing as a District on the National Register of Historic Places (National Register Status Code 3D) (See attached Billiwhack Ranch DPR forms).

Additionally, Section 1365-5 (b)(2) of the Ventura County Cultural Heritage Ordinance states, in pertinent part, "For the purposes of this Ordinance, an improvement, natural feature or site may become a designated Cultural Heritage Site if it meets the following criteria: [...] Site of Merit – Satisfy the following criteria: 1) Sites of historical, architectural, community or aesthetic merit which have not been designated as landmarks or points of interest, but which are deserving of special recognition; and 2) County approved survey sites with a National Register status code of 5 or above." The subject site has a National Register status code in a County-approved survey of 3D, whose place in the hierarchy is higher than 5 (see attached NRSC's Document).

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.

Thank you and stay well,

Dave Ward, AICP  
Planning Director  
[dave.ward@ventura.org](mailto:dave.ward@ventura.org)



## Everett Woody

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**From:** James H. Smith <james@rogerssheffield.com>  
**Sent:** Friday, April 03, 2020 4:31 PM  
**To:** Everett Woody  
**Subject:** FW: Rehabilitation of Historic Structures Located at Billiwhack Dairy / 2275 Aliso Canyon Rd.

For your information, please see below email exchange.

**Regards:**  
**James H. Smith**  
[james@rogerssheffield.com](mailto:james@rogerssheffield.com)

**Rogers, Sheffield & Campbell, LLP**  
152 E. Carrillo Street | Santa Barbara, CA 93101  
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**From:** James H. Smith  
**Sent:** Friday, April 3, 2020 4:30 PM  
**To:** Porche, Marina <Marina.Porche@ventura.org>  
**Cc:** Ward, Dave <Dave.Ward@ventura.org>; Barnes, Jeffrey <Jeffrey.Barnes@ventura.org>; Buehner, Charmaine <Charmaine.Buehner@ventura.org>  
**Subject:** RE: Rehabilitation of Historic Structures Located at Billiwhack Dairy / 2275 Aliso Canyon Rd.

Good Afternoon Ms. Porche:

Thank you for your email. For whatever reason, I believe several individuals involved in this matter, certainly not yourself nor Mr. Ward, have had an inexcusable agenda, lack of understanding regarding their role and lack of knowledge regarding the applicable law involved. Moving forward, I believe it would be in everyone's best interests if the County could excuse Amanda Ahrens and Denice Thomas from further involvement in this Project. How those 2 individuals, in the positions they hold with the County, could have so misunderstood the application of the Historical Building Code to this project is an absolute mystery, which cost my client tens of thousands of dollars.

**Regards:**  
**James H. Smith**  
[james@rogerssheffield.com](mailto:james@rogerssheffield.com)

**Rogers, Sheffield & Campbell, LLP**  
152 E. Carrillo Street | Santa Barbara, CA 93101  
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**From:** Porche, Marina [<mailto:Marina.Porche@ventura.org>]  
**Sent:** Friday, April 3, 2020 4:15 PM  
**To:** James H. Smith <[james@rogerssheffield.com](mailto:james@rogerssheffield.com)>  
**Cc:** Ward, Dave <[Dave.Ward@ventura.org](mailto:Dave.Ward@ventura.org)>; Barnes, Jeffrey <[Jeffrey.Barnes@ventura.org](mailto:Jeffrey.Barnes@ventura.org)>; Buehner, Charmaine <[Charmaine.Buehner@ventura.org](mailto:Charmaine.Buehner@ventura.org)>  
**Subject:** RE: Rehabilitation of Historic Structures Located at Billiwhack Dairy / 2275 Aliso Canyon Rd.

Good afternoon Mr. Smith,

Without agreeing with your characterization of the County's course of conduct, I appreciate the additional information that you have set forth in your email. I am copying Principal Assistant County Counsel Jeffrey Barnes and Assistant County Counsel Charmaine Buehner on this reply, because after Mr. Ward asked me to provide a legal opinion during that meeting, County Counsel management determined that others within the County Counsel Office could more appropriately respond to Mr. Ward's request. Mr. Barnes and Ms. Buehner are involved with that effort. I want to provide Mr. Barnes and Ms. Buehner with the benefit of the information that you have presented in your email, and I defer to them to determine who should further respond to your email.

Regards,

Marina Porche  
Assistant County Counsel  
800 South Victoria Avenue, L/C #1830  
Ventura, CA 93009

Tel (805) 654-2583  
Fax (805) 654-2185

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**From:** James H. Smith <[james@rogerssheffield.com](mailto:james@rogerssheffield.com)>  
**Sent:** Friday, April 3, 2020 3:56 PM  
**To:** Porche, Marina <[Marina.Porche@ventura.org](mailto:Marina.Porche@ventura.org)>  
**Cc:** Ward, Dave <[Dave.Ward@ventura.org](mailto:Dave.Ward@ventura.org)>  
**Subject:** Rehabilitation of Historic Structures Located at Billiwhack Dairy / 2275 Aliso Canyon Rd.

**CAUTION:** If this email looks suspicious, DO NOT click. Forward to [Spam.Manager@ventura.org](mailto:Spam.Manager@ventura.org)

Good Afternoon Ms. Porche:

The purpose of this email is to follow-up on the meeting we attended regarding the above referenced project on March 16, 2020. As you are aware, due to indecision by County, and conflicting positions by its various departments, the County has failed to further review the Project and has refused to issue the requested *Certificate of Appropriateness*. From our meeting of March 16, it is clear that the County is struggling with whether the Project to restore the historic structures does or does not fall under the Historic Building Code and, to a lesser degree, whether the main structure was or was not used as a main residence. This position seems to be perpetuated by several individuals that were attending the meeting that, in my opinion, were less

than informed regarding the applicable law. This of course is curious as a permit was issued allowing application of the Historic Building Code for structural repairs to the "main residence (Building #4)". That permit has not been revoked. Additionally, substantial documentation has been provided to the County, including a *Historical Resource Report*, all of which overwhelmingly establish the historical significance of the buildings and the use of Building #4 as a main residence.

At the conclusion of our March 16 meeting, it was my understanding that David Ward requested you to provide an opinion as to whether the Historic Building Code applies to the structures in question. I understood you would be making that determination within 2 weeks of our meeting of March 16, 2020. To date, I have not been informed that any progress has been made with respect to the foregoing. Additionally, no one at the County is responding to my client's inquiries regarding this matter. I certainly understand that you would like to carefully look into the issue. However, given the facts and circumstances, together with the documentation provided, it does not seem to be an overly complex issue.

Simply stated, our client believes the structures on the site may be restored using the California Historical Building Code. The grounds for qualification require the buildings to be designated as a historical building or structure. Under Section 18955 of the Health & Safety Code, a qualified historical building or structure is:

"...any structure or property, collection of structures, and their related sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include historical buildings or structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. This shall also include places, locations, or sites identified on these historical registers or official inventories and deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction."

As is apparent from the foregoing section, a property or structure qualifies for the California Historical Building Code if it is on a state or county register of inventories of historical or architectural significant sites. Our client's property and structures appear as a "Site of Merit" on an official county inventory of historical sites, **and are listed in a state record of historical resources**. Therefore, the Ranch and its structures qualify as a historical property and structures under Health and Safety Code section 18955.

The failure of the County to apply the applicable law to this Project, and issue the necessary approvals and permits, which the County is charged with responsibility to do, is costing my client a considerable amount of money arising from being denied the use of the property, which is slowly morphing into a taking by the County of Ventura. It was my understanding that we were attempting to work together to allow this Project to proceed thereby protecting the historic character of the property. Unfortunately, it appears several individuals in the County are doing everything possible to delay and increase the cost of this Project. Not only is that wrong, it is also contrary to Section 8107-37.1 which is very clear in its dictates when it comes to Cultural Heritage Sites: "*The purpose of this designation is to promote the enhancement, preservation, rehabilitation, restoration, reconstruction and maintenance of sites and structures of historical and cultural heritage value through the imposition of design standards. Fulfillment of this purpose can be impeded by strict adherence to various standards in the Zoning Ordinance. Therefore, this section promotes the stated purpose by creating a mechanism whereby appropriate deviations from the regulations of this chapter can be granted.*"

Finally, if there is any remaining doubt regarding the application of the Historic Building Code to this Project, I encourage your review of the attached letter, dated April 2, 2020, from the State Historical Building Safety

Board, which states the obvious ***"Assuming that all buildings the owner is planning to restore were identified and ranked in the survey, these buildings would be considered Qualified Historical Buildings by Definition of the California Historic Building Code (see HBC), and therefore eligible for use of the CHBC."***

Given the foregoing, further delay is simply unacceptable to my client. I would appreciate hearing from you regarding this matter at your earliest convenience.

Regards:

James H. Smith

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# Ventura County Cultural Heritage Board Minutes

August 12, 2019 at 1:15 p.m.– Item 3b

County of Ventura • Resource Management Agency • Planning Division

800 S. Victoria Avenue, Ventura, CA 93009-1740 • (805) 654-5042 • [vcrma.org/divisions/planning](http://vcrma.org/divisions/planning)

1. **11:00 A.M. CALL TO ORDER THE MEETING OF THE VENTURA COUNTY CULTURAL HERITAGE BOARD AT 2275 ALISO CANYON ROAD, SANTA PAULA, CA 93060 (BILLIWHACK RANCH)**

2. **ROLL CALL AND DETERMINATION OF A QUORUM**

A quorum could not be established, meeting was not called to order. The tour was still given to Staff and CHB members present however, CHB members present were instructed that they could not have any discussion or ask questions.

3. **1:15 P.M. CONVENE THE MEETING OF THE VENTURA COUNTY CULTURAL HERITAGE BOARD AT 800 S. VICTORIA AVENUE, VENTURA, CA 93009 (VENTURA COUNTY GOVERNMENT CENTER, ADMINISTRATION BUILDING, ATLANTIC CONFERENCE ROOM, SECOND FLOOR).**

4. **ROLL CALL AND DETERMINATION OF A QUORUM**

**CHB Members Present:**

Gary Blum, John Kulwiec, Ricki Mikkelsen and Stephen Schafer.

**CHB Members Absent:**

Miguel Fernandez, Phil Englander, Darwin McCredie

**Staff Present:**

Denice Thomas, Cultural Heritage Program Manager

Ashley Cook, Cultural Heritage Planner.

5. **APPROVAL OF AGENDA**

- 6.a. **Vote to approve the July 12, 2019 Agenda**

CHB Member Mikkelsen made a motion to approve the agenda. CHB Member Kulwiec seconded the motion. Motion Passed; 4-0.

7. **PUBLIC COMMENTS**

8. **CONTINUED ITEMS**

None.

9. **NEW BUSINESS**

**9.a. Location:** 2275 Aliso Canyon Road, Santa Paula, CA 93060

**Action:** Request for approval of a Certificate of Appropriateness (COA) (Cultural Heritage Ordinance (CHO) §1364-12) for the rehabilitation of existing structures located at the Historic Billiwhack Dairy on a property designated as a site of merit. (Case No. CH19-0021)

**Disclosures:**

CHB Member Schafer disclosed that he was in attendance at the tour earlier in the day. CHB Member Kulwiec disclosed that he was also in attendance at the tour earlier in the day as well.

**Presentation of public speakers:**

The applicant, Mr. Everett Woody of Angeli De Covolo, presented the project, including the proposed plans and photos as well as the history of the site. He answered questions from the CHB members.

**Presentation by Staff:**

Ashley Cook presented a PowerPoint presentation outlining the project location, project description, background, evaluation of historical significance, and recommended the following actions:

1. **CONDUCT** public hearing, **RECEIVE** oral and written testimony, and **CONSIDER** the County Planning staff report and all exhibits and attachments hereto; and,
2. **MAKE** the required findings that the proposed project meets all applicable requirements of the County of Ventura Cultural Heritage Ordinance and the Secretary of Interior's Standards based on the substantial evidence presented in the staff report and the entire record.
3. Based on the preceding evidence and analysis, **APPROVE** a Certificate of Appropriateness for this project with the implementation of the staff recommended COA conditions A-D listed on Section II of the staff report

**Photo Presentation by CHB Member Schafer**

CHB Member Schafer presented the photos taken during the tour earlier that day at the project site.

**Deliberation and Recommendation:**

CHB Member Schafer asked the applicant questions regarding the significance of some the character defining features. CHB Member Schafer had concerns with removing the original Dutch doors on Building 2 as they could be considered character defining features. CHB Member Schafer agreed with Staff that the tower element should not be raised as this could create conjectural feature. CHB Member Schafer mentioned that without

## Everett Woody

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**Subject:** FW: Billiwhack Ranch, 2275 Aliso Canyon Rd., Ventura County

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**From:** James H. Smith

**Sent:** Friday, April 17, 2020 4:37 PM

**To:** Ward, Dave <[Dave.Ward@ventura.org](mailto:Dave.Ward@ventura.org)>

**Cc:** 'Ruben.Barrera@ventura.org' <[Ruben.Barrera@ventura.org](mailto:Ruben.Barrera@ventura.org)>; 'Porche, Marina' <[Marina.Porche@ventura.org](mailto:Marina.Porche@ventura.org)>; 'adrian.paniagua@ventura.org' <[adrian.paniagua@ventura.org](mailto:adrian.paniagua@ventura.org)>; 'Amanda.Ahrens@ventura.org' <[Amanda.Ahrens@ventura.org](mailto:Amanda.Ahrens@ventura.org)>

**Subject:** Billiwhack Ranch, 2275 Aliso Canyon Rd., Ventura County

Dear Mr. Ward:

1. Your denial letter dated 04.14.2020 fails to disclose some key facts that attempts have been made to satisfy the violation items a-d listed in your notice of violation dated 06.25.2019. We submitted drawings to the Cultural Heritage Board (CHB) that would have satisfied the violations. The staff report was prepared and presented to the CHB on 08.12.2019 to approve the project as submitted. Board member Schaffer and staff member Denise Thomas stated as a point of fact that the property would require **Landmark Status** in order to use the California Historical Building Code (CHBC). To set the record straight we received a letter from the State Historical Building Safety Board stating the Billiwhack Ranch was eligible for use of the CHBC and subsequently the County conceded that we may use the CHBC. If staff was informed about the use of the CHBC we would have an approved Certificate of Appropriateness and the code compliance case against our property would be satisfied and the historic preservation of the property would be protected.

Applying the below sections of the CHBC as agreed would resolve the code compliance case:

- a. *"8-101.2 Purpose. The purpose of the CHBC is to provide regulations for the preservation, restoration, rehabilitation, relocation or **reconstruction** of buildings or properties designated as qualified historical buildings or properties (Chapter 8-2). The CHBC is intended to provide solutions for the preservation of qualified historical buildings or properties, to promote sustainability, to provide access for persons with disabilities, to provide a cost-effective approach to preservation, and to provide for the reasonable safety of the occupants or users."*
- b. *"Section 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."*

Therefore; (1) if the CHBC applies as the County has conceded in your email dated April 3, 2020 and; (2) Sections 8 -101.2 & 8-302.2 mean what they say, and in particular *"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 would appreciate your assistance in informing me how you reconcile the application of the CHBC with the reasons for your denial as set forth in points 1 through 4, starting on page 3, of your denial letter dated April 14, 2020.

2. Your correspondence of April 14, 2020, also leaves unanswered the status the Building Permit that was issued for the Project (B19-000857). That Permit was issued for the structural repair of the of the "main residence." Your attention is directed to the Construction Permit Application wherein the Structural Type is shown to be *"Residential"*. The Description of Work in the Application is stated to be *"Structural repair of an existing 17,939 square-foot main residence. (Building 4)."* The occupancy on the Permit is shown to be *"R-3"*. In reliance on that Permit, and in anticipation that the structure would be used, and in fact can be used under the CHBC, as a residence, over \$750,000 has been spent. In your denial letter of April 14, at page 4, you state *"The request to convert the creamery to the principal dwelling and utilize the existing dwelling as an accessory dwelling unit is denied because H-1 is too large to be designated as an accessory dwelling unit."* That of course raises several issues: (1) Is it your position that the Building Permit issued for the Project (B19-000857) has been unilaterally revoked by the County?; (2) Is it your position that the County of Ventura can disregard Section 8-302.2 of the CHBC which states: *"The use or character of the occupancy of a qualified historical building or property may be changed from or returned to its historic use or character, provided the qualified historical building or property conforms to the requirements applicable to the use or character of occupancy as set forth in the California Historic Building Code. Such change in you shall not mandate conformance with new construction requirements as set forth in regular code."*

Unfortunately, it appears that at each step taken by the County, rather than clarify and assist the Owner of the property, the County appears intent on further clouding the issues and obstructing the Project. Your prompt response in clarifying the position of the County, with respect to the unreconciled issues now created by your denial letter of April 14, 2020, will be appreciated.

Regards:

James H. Smith

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Transcription.

[Member Schafer] The most important part of all of Judy's. 523 forms is this really boring one at the very end with no photographs. That is the district record. So I want to state on the record that I think everything is a district in the way that [inaudible] has told me. And the way I remember how to operate under a district is the district is the property. So we're not looking at any one building we are always looking at how it affects the district. It's definitely a district and my opinion is it's probably a national register eligible district and I think before any work is done if there is a condition or if conditions are to be put on this historic American building survey photography should be done because what I did was basically a quick record of what needs to be captured before it changes. I think. There's a lot of value showing it as is and putting that in the Library of Congress before it changes. And I think there can be varied changes that so I'm not opposed to that. I also can't imagine this doesn't need a discretionary permit at some point at the end of this and if it does the whole of the action becomes discretionary.

[Denise Thomas] Correct.

[Member Schafer] And it's so I think [inaudible].

[Denise Thomas] So here's Denise Thomas planning in response to that comment. So essentially what they've done is they're coming in for a piece of an overall project. And the way that CEQA is interpreted is the whole of the action once a discretionary permit is required the whole of the action becomes important and you have to evaluate for environmental impact reasons the whole of the action. And right now they're in for a certificate of appropriateness. But if at the end of it say for instance some sort of discretionary permit is required a CUP or some sort of a permit that requires the planning director approval Planning Commission approval or for a supervisor approval then this is subject to CEQA. And then you will have to do a CEQA determination whether or not the impacts of what they want to do will adversely impact the resource. We seem to be in front of that because right now you're only getting a piece of it. They want a COA to do the interior remodel and to change out these doors and windows. If at the end of this it's determined that for them to have those caretaker units that they want or for them to be able to change the site they need some sort of a discretionary permit. Then it changes what your review is. And you could have approved the COA prior to doing any kind of CEQA analysis and so it's the cart. It could be construed as the cart before the horse. It's unclear at this stage what. Which one is going to come first because the owner could say I just want to do this renovation and stop. Well if they only want to do this renovation and stop you're only reviewing this is a COA. But if they want to do something more than this renovation like make those two caretaker units and they exceed what the ministerial limits are in our code then all of a sudden it's a different review for you. And so you do have the ability to place conditions on the COA. That's the good news. So in the event that a discretionary permit is required you know you could trigger your COA approval possibly. But at this stage what's in front of you right now is not a CEQA analysis

it's a certificate of appropriateness for these renovations. And that's what you are charged with reviewing.

[Member Schafer] So the second part of that is I'm saying. [inaudible] As well as I can't see them doing major structural repairs under the secretary of interior standards because they would require either the historic building code Or new code. New codes going to destroy more things that are there. Historic Building Code is only applicable To certified buildings. So It's not certified.

[Denise Thomas] No it's not.

[Member Schafer] So that means that, No bueno there.

[Denise Thomas] You could condition it. If the applicant certification or being designated as a county landmark or national or state landmark is within the board's purview. And it's also the applicants choice. So the applicant can come voluntarily and say we want a landmark. This is a district. And then that could get them the historic building code would kick in. And this is a shameless plug but that's the topic that you're going to be discussing when we do our training our CLG training is going to be on this historic building code. They could do that and that would back them in. Could back them into the historic building code. They choose not to. The board has the ability to designate a district over the objections of the applicant as long as the applicant is given advance notice. We have never done that because we'd like to work with property owners as opposed to setting up an adversarial situation. But it is possible. So That's my input