



September 26, 2023

Board of Supervisors  
County of Ventura  
800 S. Victoria Avenue  
Ventura, CA 93009

**SUBJECT: De Novo Hearing to Consider the Appeal of the Planning Director's Denial of Zoning Clearance Application Seeking to Authorize the Reconstruction of an Historic Nonconforming Caretaker Dwelling to its Original State and Use Prior to Destruction at the Billiwhack Ranch Located at 2275 Aliso Canyon Road (Case No. PL20-0032); Supervisorial District 1.**

## **A. RECOMMENDED ACTIONS**

1. **CERTIFY** that your Board has reviewed and considered this Board letter and all exhibits hereto, and has considered all evidence, comments and testimony received during the public hearing process;
2. **FIND** that this project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to sections 21080(b)(1) and 21080(b)(5) of the Public Resources Code;
3. **FIND** either:
  - a. Pursuant to County staff recommendation, that the subject nonconforming historic dormitory<sup>1</sup> for farmworkers (i.e., "caretaker dwelling"; referred to as Building H2 herein) was voluntarily destroyed to an extent greater than 50 percent of its floor or roof area which existed before destruction, and therefore **DENY** Zoning Clearance Application No. ZC19-0684 (Sub-exhibit 2 of Exhibit 1) as it relates to Building H2, **DENY** related Appeal No. PL20-0032 (Exhibit 2) and **DECLINE** to refund any appeal fees; or
  - b. Alternatively, that Building H2 was involuntarily destroyed, and therefore **DIRECT** staff to accept a revised Zoning Clearance application for Building H2 after the applicant complies with the requirements of the Cultural Heritage Ordinance, and **CONSIDER** refunding a portion of appellant's appeal fees.

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<sup>1</sup> The Draft Historic Resources Report, prepared by San Buenaventura Research Associates, dated March 11, 2020, for Billiwhack Ranch, LLC., refers to Building H2 as the "milker's dormitory" for employees of the ranch. (Exhibit 6)

4. **SPECIFY** that the Clerk of the Board is the custodian and 800 S. Victoria Avenue, Ventura, CA 93009 is the location of the documents and materials that constitute the record of proceedings upon which the above decisions are based.

#### **B. FISCAL/MANDATES IMPACT AND APPEAL FEES**

On September 8, 2020, Everett Woody, the prior representative of the property owner, Billiwhack Ranch LLC (which is herein referred to as “applicant” or “appellant”), submitted the required \$1,000 appeal deposit in accordance with the current Board-adopted Fee Schedule. There is no billing limit for Staff time on an appeal associated with a violation; therefore, the appellant is responsible for all County costs incurred to process the subject appeal, unless your Board grants the appeal in whole or in part. If the appeal is granted in full, the Planning Division will refund all appeal fees for the appeal. If the appeal is granted in part, your Board may decide to refund a portion of the appeal fees if one or more of the grounds of appeal that were raised by the appellant to the Resource Management Agency (RMA) before filing the appeal were sustained and caused a material change in the matter being appealed. Consequently, if your Board grants the appeal in part, your Board may determine at the time the decision is rendered what portion of the appeal fees should be refunded to the appellant.

The County’s costs to process the applicant’s appeal of the Planning Director’s initial decision to the Planning Commission on August 27, 2020, totaled \$15,251.46 (less the \$1,000 appeal deposit). The applicant paid the balance on October 15, 2021.

As of the date of this letter, the County’s costs to process the applicant’s appeal of the Planning Commission’s decision to your Board (less the \$1,000 appeal deposit) is \$22,431.86. Refer to Exhibit 3 for a three-year timeline of correspondence with the applicant concerning this appeal. Should the subject appeal be granted in full or in part and fees refunded, costs will be absorbed by the RMA, Planning Division FY 23-24 Budget. The total costs of the appeal of the Planning Commission’s action would be approximately \$22,431.86.

#### **C. PROJECT INFORMATION**

1. **Applicant/Appellant/Property Owner:** Billiwhack Ranch LLC, 3048 North Coolidge Avenue, Los Angeles, CA 90039
2. **Current Representative of the Applicant:** James B. Devine, Law Offices of James B. Devine, APC, 418 Chapala Street, Suite B, Santa Barbara, CA 93101
3. **Project Site Size, Location, and Parcel Numbers (Sub-exhibit 5 of Exhibit 1):** The project site is located at 2275 Aliso Canyon Road, in unincorporated Ventura County, within the area of interest of the City of Ventura. The project site comprises two Assessor’s Parcel numbers (APNs) 064-0-130-145 and -125, with a combined acreage of 97.73 acres. The two APNs represent a single legal lot created through a Large Lot Subdivision recorded on June 7, 1994, Parcel Map Waiver No. 715.

- 4. Project Description:** This matter involves the appeal of the Planning Director's denial of Zoning Clearance Application No. ZC19-0684 (Sub-exhibit 2 of Exhibit 1) seeking to authorize after-the-fact demolition and proposed reconstruction of Building H2 to its original state and use prior to its destruction pursuant to the nonconforming structures/uses regulations of NCZO section 8113-6.1. A more detailed discussion of the reasons for the denial of Zoning Clearance Application No. ZC19-0684 are set forth below.

#### **D. EXECUTIVE SUMMARY**

This appeal arises from a 2019 code compliance case (CV19-0100) (Sub-exhibit 4 of Exhibit 1) initiated as a result of demolition and construction work that was performed without the required County permits or authorizations on a property designated as a local Cultural Heritage Site of Merit. In an attempt to resolve the violations, the applicant submitted two Zoning Clearance applications to the Planning Division requesting authorization to legalize after-the-fact demolition, improvements, and conversion of existing agricultural buildings and uses to residential uses on the historic property. The Planning Director denied the applicant's Zoning Clearance applications because the scopes of work contained erroneous information, did not accurately describe the existing, legal uses of each building on the property, and the number and size of dwellings proposed did not comply with the standards of the NCZO as they relate to Accessory Dwelling Units (ADUs) and Farmworker Dwelling Units (FWDUs) (Sub-exhibit 16 of Exhibit 1). The applicant timely appealed the Planning Director's decision to the Planning Commission (Sub-exhibit 17 of Exhibit 1). The Planning Commission unanimously (5-0) upheld the Planning Director's decision and denied the applicant's appeal (Sub-exhibit 22 of Exhibit 1). The applicant then appealed the matter to your Board in accordance with the Non-Coastal Zoning Ordinance (NCZO) section 8111-7. (See Exhibit 2.).

Since the 2019 code compliance violation, staff from all Resource Management Agency (RMA) Divisions have met numerous times with the applicant and their representatives to respond to their concerns, provide guidance on meeting the regulations of the NCZO and the Cultural Heritage Ordinance (CHO), and provide both ministerial and discretionary permit paths to address the code violations and multiple versions of their future plans for the property. Today's Board hearing has been postponed multiple times over the last three years by both the applicant and the County in an attempt to resolve this matter. In fact, the efforts by County staff and the applicant to resolve this matter have been successful, with the exception of Building H2. The parties agreed through a signed compliance agreement (CA22-0010) that this remaining issue would be addressed by the applicant at a rescheduled Board of Supervisors hearing (Page 3, Item 2 of Exhibit 4), which is the subject of today's hearing. The applicant contends that the historic Building H2 was involuntarily destroyed and, therefore, the applicant should be authorized to build the structure back to its original nonconforming size of 2,646 square feet (sq. ft.) gross floor area and used as a caretaker dwelling. The applicant's Board of Supervisors Appeal Application (Exhibit 2) also includes a request that the Board "apply the 2019 California Historical Building Code to Project." (See Page 1 of Exhibit 2.)

The Planning Division disagrees that the destruction of historic Building H2 was an involuntary action, but rather believes it was a willful act on the part of the applicant. If your Board agrees with staff and determines that the historic Building H2 was voluntarily destroyed to more than 50 percent of its floor or roof area which existed before the destruction, the rebuilding of the structure must “conform to the regulations of the zone classification in which [it is] located,” including compliance with the NCZO and its provisions governing the size of FWDUs, as well as the CHO. However, if your Board agrees with applicant and finds that Building H2 was involuntarily destroyed, your Board should direct staff to accept a Zoning Clearance application for Building H2, after the applicant complies with the applicable requirements of the CHO.

This Board letter provides (1) a statement of the issue on appeal; (2) the Board’s standard of review, authority and law governing decision; (3) analysis of the issue on appeal; (4) the Planning Division’s recommended environmental determination; and (5) the public noticing requirements and any public comments.

#### **E. ISSUE ON APPEAL**

This land use matter comes before your Board pursuant to compliance agreement (CA22-0010) which provides that “County Planning Division staff shall coordinate with [applicant] on an agreed upon date for the rescheduled Board of Supervisors *de novo* public hearing to consider [applicant’s] appeal regarding the status of Building H2 (Appeal Case No. PL20-0032).” (Exhibit 4) Today’s appeal hearing is focused on the single issue of the status of Building H2 and whether it can be built back to its original size of 2,646-sq. ft. and used as a caretaker dwelling. The Planning Division’s response to, and analysis of, this issue is provided in Sections D and F of this Board letter.

Your Board is also directed to review the Planning Division’s responses to the grounds of appeal in the August 27, 2020, Planning Commission staff report, which is part of the record of these proceedings. (Exhibit 1, Section C.)

For your Board to approve the applicant’s requested appeal that Building H2 may be restored to its original state existing prior to its destruction, your Board would need to find that Building H2 was involuntarily destroyed (see NCZO section 8113-6.1.1). As described in Section F of this Board letter, the Planning Director could not find that Building H2 was involuntarily destroyed and, thus, could not make all of the 10 required findings to issue a Zoning Clearance pursuant to Section 8111-1.1.1.b of the NCZO.

#### **F. ANALYSIS OF APPEAL REGARDING BUILDING H2**

##### **Standard of Review and Authority of Your Board**

This appeal comes to your Board for a hearing *de novo*, or anew. This means your Board is required to conduct a public hearing regarding the Planning Director’s and Planning Commission’s denial of the subject Zoning Clearance application, as it relates to Building H2, just as if the matter came to your Board in the first instance. Your Board must decide whether to approve or deny the Zoning Clearance request specifically related to the status

of Building H2, pursuant to Section 8111-1.1.1.b of the NCZO, which, among other things, requires that the proposed land use, structure or construction “is permissible under the present zoning on the land and complies with the standards of the [NCZO].”

Your Board is not required to give any deference to the August 27, 2020 Planning Commission’s decision to uphold the RMA’s challenged actions. Of course, your Board is free to make the same decision as the Planning Commission if, based on your Board’s independent judgment, your Board finds them to be persuasive and supported by substantial evidence in the record. While your Board should consider the appeal points raised by the applicant (Exhibit 2), your Board is not limited by them.

### **Law Governing Decision**

Building H2 was constructed circa 1926 as a 2,646 sq. ft. dormitory for farmworkers/caretakers (i.e., “caretaker dwelling”) (See Footnote 1). Because Building H2 was constructed prior to the adoption of the NCZO in 1947, it is governed by the provisions of the NCZO applicable to nonconforming structures. Under the current NCZO requirements, FWDU’s “shall not exceed 1,800 square feet in gross floor area” with a ministerial Zoning Clearance (NCZO, § 8107-41.3.2(c)). Thus, because Building H2 is larger than the allowable ministerial size limit for FWDU’s under present zoning, Building H2 is nonconforming.

NCZO sections 8113-6.1.1 and 8113-6.1.2 pertain to the rebuilding of damaged or destroyed nonconforming structures and state, in relevant part, as follows:

*“Whenever any structure is . . . involuntarily damaged or destroyed in whole or in part, the structure may be restored to its original state existing before such removal, damage or destruction.”* (emphasis added) (Section 8113-6.1.1)

*“Whenever 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.”* (emphasis added) (Section 8113-6.1.2)

Your Board must also apply Section 8111-1.1.1.b of the NCZO to determine whether the applicant’s requested Zoning Clearance, as it relates to Building H2, can be granted. Section 8111-1.1.1.b requires the County’s decision-making authority – which is now your Board – to make the following 10 findings in order to issue a ministerial Zoning Clearance:

*“[T]he proposed use of land, structures, or construction:*

- (1) Is permissible under the present zoning on the land and complies with the standards of Division 8, Chapter 1 and 2 of the Ordinance Code;*

- (2) Is compatible with the policies and land use designations specified in the General Plan;*
- (3) Complies with the applicable terms and conditions of any applicable permit or other entitlement granting the use in question, and the decision granting said permit is considered "effective" pursuant to Sec. 8111-4.4;*
- (4) Is not located on the same lot where a violation exists of standards found in said Chapters 1 and 2 or of any Ventura County Ordinance regulating land use, such as the Ventura County Building Code or any grading ordinance, or of the terms of an existing permit covering the lot, unless the Zoning Clearance is necessary for the abatement of the existing violation;*
- (5) Is not being requested by or for the same party that owes the County fees or billings, fines, civil penalties, or forfeitures associated with this Chapter;*
- (6) Is consistent with portions of the County Hazardous Waste Management Plan which identify specific sites or siting criteria for hazardous waste facilities;*
- (7) Is located on a legal lot;*
- (8) Is being undertaken by an owner and/or tenant, who, along with the associated contractors and agents, are in compliance with the Ventura County Business License Tax Ordinance;*
- (9) Is determined to be consistent with conditions and requirements established by the Ventura Countywide Stormwater Quality Management Program, National Pollutant Discharge Elimination System (NPDES) Permit No. CAS06339 and the Ventura Stormwater Quality Management Ordinance No. 4142 and as these permits and regulations may be hereafter amended; and*
- (10) Has, in the case of a designated or potentially eligible Cultural Heritage Site been issued a Certificate of Appropriateness or is otherwise authorized to proceed with the project in compliance with that ordinance. Any Zoning Clearance requested for a designated historic site issued a Planned Development permit pursuant to Sec. 8107-32 et seq must also comply with the provisions of that permit."*

### **Analysis of Issue on Appeal Regarding Building H2**

The applicant's Zoning Clearance Application No. ZC19-0684 seeks, in part, authorization to "reconstruct a 2,646-sq. ft. legal nonconforming 'caretaker dwelling' (Building H2)." The applicant contends that Building H2 was destroyed by a natural mudflow and many years of deferred maintenance.

The Planning Director's decision to deny the reconstruction of Building H2 to its original

size and use was based upon the inability to make the necessary findings to issue a Zoning Clearance pursuant to NCZO sections 8111-1.1.1.b(1) and (10), including the inability to make findings of consistency with the provisions governing the voluntary destruction of nonconforming structures set forth in NCZO section 8113-6.1.2, the provisions governing the allowable size of ministerial FWDU's (NCZO section 8107-41.3.2(c)), and compliance with the CHO, as further explained below.

Although not specifically mentioned in the written grounds of appeal to the Board of Supervisors, the applicant asserts that Building H2 can be reconstructed to its original nonconforming size and use because it was "involuntarily" destroyed by a mudflow and "75 years of deferred maintenance". To date, the applicant has not provided sufficient evidence to substantiate their claim that all of the walls and floor of Building H2 were completely destroyed by a mudflow. The Planning Division disagrees that the destruction of Building H2 was an involuntary action. The County protocols to verify and document such natural disasters were clearly not followed, the applicant's justification for the destruction was not supported by sufficient evidence, and the required regulatory County agencies and Board of Supervisors-approved Cultural Heritage Board (CHB) were not consulted about the potential restoration and rehabilitation of the building prior to its demolition. Additionally, the applicant's June 11, 2019 proposed plans (Sub-exhibit 2 of Exhibit 1, page A-4, under Key Notes) indicate that all the interior and exterior walls were removed, in part, because of "75 years of deferred maintenance," which is not an involuntary action, but because of poor maintenance of the building.

There are no County records showing that the applicant obtained a Safety Assessment Permit (SAP) inspection by the Building and Safety Division and/or the Fire Prevention District to determine the amount of damage that occurred to the building due to the alleged mudflow, which is the procedure to assess the amount of damage to existing structures caused by fire, flood, landslide or natural disasters. The SAP provides the County reliable valuations of damaged existing structures in order to determine whether or not they exceed the 50 percent threshold to be built back to their original state and use in accordance with the regulations of the NCZO. Furthermore, the applicant failed to obtain a Zoning Clearance for Demolition from the Planning Division, a Certificate of Appropriateness from the CHB, and a Demolition Permit from the Building and Safety Division prior to removing all of the interior and exterior walls and floor of the nonconforming historic building.

In response to the August 27, 2020, Planning Commission staff report, the applicant submitted into the record a response to the staff report (Sub-exhibit A, pps.99-101, of Exhibit 1), which included a set of photographs of the exterior and interior damage to Building H2 prior to its destruction. This was the first time Planning staff was made aware of and observed these photographs. In light of all of the evidence presented to the Planning Commission, including the review of the new photographs provided by the appellant, the Planning Commission determined that the destruction of Building H2 was a voluntary action, and they upheld the Planning Director's decision to deny the Zoning Clearance application to reconstruct the building to its original size and use as a caretaker dwelling. In the Planning Division's opinion, the appellant's photographs show a

dilapidated and poorly maintained building, but no actual evidence that a mudflow caused the destruction of Building H2. Based on insufficient evidence to substantiate the applicant's claim that the destruction of Building H2 was caused by a natural disaster, the extent of the destruction, the lack of an SAP inspection and proper demolition permits from applicable County agencies, the Planning Director determined that the removal of all of the walls and floors of Building H2 was a "voluntary" act as opposed to an "involuntary" destruction caused by natural disaster, flood, fire, or landslide.

The Planning Division contends that the applicant voluntarily demolished more than 50 percent of the floor (i.e., all of the interior and exterior walls and the floor were removed) of the historic Building H2 when the applicant assumed ownership of the property as part of a master plan to clean-up and restore the property. The applicant's willful actions to completely remove the walls and floors of the historic nonconforming structure without obtaining the proper County approvals have destroyed the possibility of retaining or restoring any salvageable historic components of Building H2. All proposed alterations, especially any proposed demolition, to a local Site of Merit are required to be reviewed and approved by the County's CHB, which provides recommendations to ensure that significant architectural and historical features are not adversely affected by an alteration or demolition. Furthermore, Public Resources Code, section 5028(a) (Demolition, destruction or alteration of listed structure), states in part, that a structure that is listed on a local public register (i.e., a local Site of Merit), and has been damaged due to a natural disaster, including but not limited to, an earthquake, fire or flood, may not be demolished, destroyed, or significantly altered unless the structure presents an imminent threat to the public or damage to adjacent property, or unless the State Office of Historic Preservation determines that the structure may be demolished, destroyed, or significantly altered. In addition to disregarding the County's building code regulations pertaining to the demolition of structures, the applicant failed to follow both the local and state historic and land use provisions concerning the demolition or significant alteration of an historic resource(s).

Because Building H2 was voluntarily demolished, the Planning Division cannot make all 10 required findings to issue a Zoning Clearance to allow the building to be reconstructed to its original size and use because the required findings of NCZO section 8111-1.1.1.b, subsections (1) and (10) cannot be met. The applicant's request to rebuild Building H2 to a 2,646 sq. ft. caretaker dwelling unit does not meet the FWDU requirements of NCZO section 8107-41.3.2(c) since the proposed size of 2,646 sq. ft. exceeds the maximum size allowed of 1,800 sq. ft. for a FWDU under a ministerial Zoning Clearance. Additionally, the proposed reconstructed Building H2 must be made to conform to the current regulations of the zone classification (i.e., AE Zone) in which it is located pursuant to NCZO section 8113-6.1.2 since 50 percent or more of the walls and floor of the nonconforming building were voluntarily demolished and therefore, the building no longer retains its nonconforming status. Lastly, the review and approval requirements of the CHO concerning the demolition of a Site of Merit have not been satisfied in order to issue a Zoning Clearance pursuant to NCZO section 8111-1.1.1.b(10).

Moreover, the Planning Division has routinely required Zoning Clearances in situations involving nonconforming historic buildings that were destroyed due to natural disaster, such as in the case of structures destroyed in the Thomas Fire. Regardless of whether or not a nonconforming structure is proposed to be built back to its original size and use, a Zoning Clearance and a Building Permit, as well as review and approval by the CHB if applicable, are required in order to rebuild the structure and continue the nonconforming use. Thus, even if your Board were to find in favor of the applicant and uphold the appeal, a Zoning Clearance would still be required to approve the applicant's proposal for Building H2 and therefore, all 10 findings of NCZO section 8111.1.1.1.b would still be required to be met, including compliance with the CHO.

The applicant's Board of Supervisors Appeal Application (Exhibit 2) also includes a request that the Board "apply the 2019 California Historical Building Code to Project." (See Page 1 of Exhibit 2.) According to the Building and Safety Division, in order to qualify to utilize the California Historical Building Code (CHBC) for the reconstruction of Building H2, the structure must be a repair, restoration, or reconstruction of an historic structure. In the case of Building H2, the proposed project is a reconstruction of an historic structure. However, the project does not meet the definition of "reconstruction" as set forth in the CHBC because it does not include "the act or process of depicting, by means of new construction, the form, features and detailing of a nonsurviving" building for "the purpose of replicating its appearance at a specific period of time." (CHBC, Chapter 8-2). The applicant's proposed reconstruction does not involve the replication of its original appearance and includes the reconfiguration of the interior and exterior layout of the building by adding windows and placing them in different configurations, removing some exterior doors, and reconfiguring the interior living space, bedrooms and bathrooms of the building. If the proposed project demonstrated that the reconstruction of Building H2 would be a replication of its original state, including the original number and placement of the windows and doors and restoration of other character defining features in their original locations on and within the building, the CHBC would apply.

Please also refer to the August 27, 2020, Planning Commission staff report (Exhibit 1, Sections A.10 and 11) for the full violation history and a comprehensive list of reasons for the denial of the Zoning Clearance Application No. ZC19-0684.

In sum, if your Board finds that Building H2 was voluntarily demolished beyond 50 percent of its floor or roof area as it existed prior to destruction, the reconstruction of Building H2 must meet current zoning standards and regulations of the NCZO for proposed structures in the Agricultural Exclusive Zone (AE Zone). (NCZO section 8113-6.1.2.) Under current zoning standards, the applicant could rebuild Building H2 but it would only be up to 1,800 sq. ft., as is ministerially allowed for FWDUs, and would need to comply with the requirements of the CHO prior to the issuance of a Zoning Clearance.

Alternatively, if your Board agrees with applicant and finds that Building H2 was involuntarily destroyed, the size and use of the structure as it existed prior to destruction would be grandfathered in. If this is the case, your Board should direct staff to accept a Zoning Clearance application from the applicant for the reconstruction of Building H2,

after the applicant complies with the requirements of the CHO. Because the entire property is a Site of Merit, the applicant would need to apply for and receive a Certificate of Appropriateness from the CHB for the rebuilding of Building H2, pursuant to NCZO section 8111-1.1.1.b(10) and Section 1371-1 of the CHO. In the event that a Certificate of Appropriateness was not approved by the CHB, the applicant would be prohibited from taking action on the project for 180 days from the date of the disapproval. Once the 180-day time period has passed, the applicant may proceed with the project and obtain a Zoning Clearance provided the project complies with all other regulations of the NCZO (see Section 1371-8 of the CHO).

#### **G. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE**

The applicant is appealing the Planning Commission's decision to uphold the Planning Director's denial of a Zoning Clearance application (Sub-exhibit 2 of Exhibit 1), as it relates to Building H2 (Sub-exhibit 4 of Exhibit 1). The California Environmental Quality Act (CEQA) does not apply to a public agency's denial or disapproval of a requested land use project or permit. (Public Resources Code ("PRC"), § 21080(b)(5).) A decision by your Board to deny the applicant's requested Zoning Clearance application for Building H2 would therefore not be subject to CEQA.

CEQA also does not apply to a public agency's approval of a ministerial permit or project. (PRC, § 21080(b)(1).) A decision by your Board to approve the applicant's requested Zoning Clearance application for Building H2 would therefore not be subject to CEQA. That said, the Planning Division recommends that the Zoning Clearance application not be approved based upon the analysis set forth above.

#### **H. PUBLIC NOTICE AND COMMENTS**

The Planning Division provided public notice of this hearing in conformance with the requirements of Government Code section 65091 and NCZO section 8111-3.1. The Planning Division mailed notice to owners of property within a certain distance of the subject property (Billiwhack Ranch) to include 15 parcels of real property, and placed a legal advertisement in the *Ventura County Star*. The Board letter and exhibits were also posted on the Board of Supervisors website at: <https://www.ventura.org/board-of-supervisors/agendas-documents-and-broadcasts/> (under "Upcoming Events"). To date, the Planning Division has not received any public comments for this Board item.

This Board item has been reviewed by the County Executive Office, the Office of the Auditor Controller, and County Counsel.

If you have any questions concerning this matter, please contact Franca A. Rosengren, Case Planner, at (805) 654-2045 or by email at [Franca.Rosengren@ventura.org](mailto:Franca.Rosengren@ventura.org).



DAVE WARD, AICP Planning Director  
Ventura County Planning Division

**ATTACHMENTS:**

- Exhibit 1: Planning Commission Staff Report dated August 27, 2020, including sub-exhibits 2 through 22 and A through C
- Exhibit 2: Applicant's Board of Supervisors Appeal Form
- Exhibit 3: Timeline of Correspondence and Meetings with Applicant
  - Exhibit 3.1: Applicant's Email Request Dated September 15, 2020
  - Exhibit 3.2: September 21, 2021 Corrections to Applicant's Potential Revised Project Description
  - Exhibit 3.3: October 29, 2020 Email from Jose Ayala (HCD) to Franca Rosengren
  - Exhibit 3.4: October 1, 2021 Letter from Peter Goldenring to the Board of Supervisors
  - Exhibit 3.5: October 21, 2021 Memorandum from Franca Rosengren and Winston Wright to John Hecht, Helen Eloyan, and Tracy Cortez
  - Exhibit 3.6: November 16, 2021 Letter from Winston Wright to Peter Goldenring
  - Exhibit 3.7: November 23, 2021 Letter from Peter Goldenring to Winston Wright
  - Exhibit 3.8: December 6, 2021 Letter from Peter Goldenring to Winston Wright
  - Exhibit 3.9: December 22, 2021 Email from Dave Ward to Peter Goldenring
  - Exhibit 3.10: January 27, 2022 Letter from Peter Goldenring to Dave Ward
  - Exhibit 3.11: February 7, 2022 Letter from Peter Goldenring to Dave Ward
  - Exhibit 3.12: February 11, 2022 Letter from Peter Goldenring to Dave Ward
  - Exhibit 3.13: February 14, 2022 Letter from Winston Wright to Peter Goldenring
  - Exhibit 3.14: March 3, 2022 Letter from Dave Ward to Peter Goldenring
  - Exhibit 3.15: March 8, 2022 Letter from Peter Goldenring to Dave Ward
  - Exhibit 3.16: March 10, 2022 Letter from Dave Ward to Peter Goldenring
  - Exhibit 3.17: March 17, 2022 Letter from Peter Goldenring to Dave Ward
  - Exhibit 3.18: April 15, 2022 Letter from Tracy Cortez to Dave Ward
  - Exhibit 3.19: April 21, 2022 Email from Franca Rosengren to Tracy Cortez and Peter Goldenring
  - Exhibit 3.20: Draft Compliance Agreement
  - Exhibit 3.21: May 9, 2022 Letters from Peter Goldenring to Dave Ward
  - Exhibit 3.22: May 10, 2022 Letter from Dave Ward to Tracy Cortez
  - Exhibit 3.23: May 26, 2022 Letter from Dave Ward to Peter Goldenring

Exhibit 3.24: June 6, 2022 Letter from Peter Goldenring to Dave Ward

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

Exhibit 3.26: July 8, 2022 Letter from Dave Ward to Peter Goldenring

Exhibit 3.27: July 11, 2022 Comment Letter from Peter Goldenring to Dave Ward

Exhibit 3.28: July 12, 2022 Comment Letter from Tracy Cortez to the Ventura County Board of Supervisors

Exhibit 3.29: December 21, 2022 Correction Notice

Exhibit 3.30: January 31, 2023 Email from Mike Van Gorder, HCD Housing Policy Analyst to Franca Rosengren

Exhibit 3.31: February 1, 2023 Email from Tracy Cortez to Franca Rosengren, Kim Prillhart and Dave Ward

Exhibit 3.32: February 1, 2023 Email from Franca Rosengren to Tracy Cortez

Exhibit 3.33: February 1, 2023 Email from Kim Prillhart, RMA Director, to Mike Van Gorder, HCD Housing Policy Analyst

Exhibit 3.34: February 21, 2023 Correction Notice

Exhibit 3.35: March 29, 2023 Correction Notice

Exhibit 3.36: April 20, 2023 Approved Zoning Clearance

Exhibit 4: Compliance Agreement CA22-0010

Exhibit 5: April 20, 2023 Approved Zoning Clearance ZC22-1424

Exhibit 6: March 11, 2020 Draft Historic Resources Report, prepared by San Buenaventura Research Associates