

**CONDITIONS OF APPROVAL  
FOR COASTAL PLANNED DEVELOPMENT (PD) PERMIT  
CASE NO. PL17-0084  
AS MODIFIED BY SITE PLAN ADJUSTMENT  
CASE NO. PL21-0035**

**RESOURCE MANAGEMENT AGENCY**

**Planning Division (PL) Conditions**

1. Project Description

This Coastal Planned Development (PD) Permit is based on and limited to compliance with the project description stated in this condition below, Exhibits 1 through 13 and of the Planning Commission Hearing on December 13, 2018, Exhibits 1 through 3 dated August 18, 2021, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the Coastal PD Permit, and/or further California Environmental Quality Act (CEQA) environmental review. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this Coastal PD Permit and applicable law.

The Project Description is as follows:

Note: The Project Description below was approved in accordance with Coastal PD permit PL17-0084 and has been constructed:

- Construction of a 525-square foot (sq. ft.) second story addition, new 65 sq. ft. lattice overhang, and new interior stairway, and
- First floor renovation of the existing 1,930 sq. ft. beachfront single-family dwelling with an attached two-car carport positioned underneath the residence's master bedroom

With the above changes, the single-family dwelling will encompass a total of 2,455 sq. ft. of gross floor area. The existing single-family dwelling and attached two-car carport was constructed in 1959 on a grade beam and caisson foundation system.

The property is considered legal non-conforming as a result of the existing raised decks and ramps located within the setbacks and the residence's uniquely designed layout of four separate living areas (kitchen and living area unit and three separate bedroom and bathroom units) having no internal access to each other. The existing building footprint of

the single-family dwelling attached two-car carport and raised decking will remain the same. The proposed second story addition of 525 sq. ft. will be accessed by a new interior stairway and will contain two bedrooms and a bathroom. The proposed addition would remove less than 50% of the existing residence's roof area and would continue to maintain its legal non-conforming status in accordance with Section 8182-7.1.1 of the Coastal Zoning Ordinance.

The first-floor renovation consists of: a) conversion of the fourth bedroom into a TV room; b) conversion of a full bathroom into a laundry room and half bath; and c) the addition of an interior stairway to access the second-floor addition. The interior of the residence will be reconfigured by combining two of the one bedroom and bath units into one unit consisting of three bedrooms and two and a half baths, thereby resulting in a total of three separate units.

The height of the single-family dwelling with the second level addition will be 22 feet 2-1/8 inches at the averaged midpoint and 23 feet 2-1/2 inches at the ridgeline peak.

The trash/recycling area will be located to the west of the existing carport. No grading or vegetation removal is proposed. No ground disturbance is proposed as all new development is located within the existing building footprint. The proposed project will not require supplemental reinforced concrete pier foundations including but not limited to new caissons and/or helical piers. No foundation work is authorized by this Coastal PD Permit.

The subject property is accessed directly from Puesta Del Sol, a private street within the gated Rincon Point community, at the southern terminus of Bates Road in the North Coast area of unincorporated Ventura County. The project is within the mapped floodway of Rincon Creek. The Casitas Municipal Water District will continue to provide water and the Carpinteria Sanitary District will continue to provide sewage disposal for the residential use of the property.

The Project does not include, and this Coastal PD Permit does not authorize, the removal of any native or non-native vegetation. The single-family dwelling, as well as construction activities associated with the single-family dwelling, will not extend beyond the boundaries of the subject property.

The following Project Description is a Site Plan Adjustment Case No. PL21-0035 to Coastal PD Permit Case No. PL17-0084:

Exterior modifications to repair the existing driveway and the removal and replacement of an existing fence. The repair to the driveway consists of removal of the existing pavement and the addition of a concrete driveway, pedestrian paving squares and pebbles. Fence modifications include the removal and replacement of fencing located along the northeast and southwest property lines, including a trash enclosure located in the front setback adjacent to the southwest property line. All fencing in the 20 foot (ft.) front setback will be three feet in height (from grade) with the remaining portion measuring six feet in height (from grade). Tree protection measures (Conditions 20 and 21) and the Arborist Report

dated August 6, 2021, are to be adhered to during construction to protect the roots of a cypress tree located on the neighboring property to the southwest (APN 008-0-170-340).

The development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the Project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Required Improvements for of the Project

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

**Requirement:** The Permittee shall ensure that all required off-site and on-site improvements for the Project, including structures, paving, and parking, are completed in conformance with the approved plans stamped as Planning Director hearing (Exhibits 2 and 3). The Permittee shall submit all final building and site plans for the County's review and approval in accordance with the approved plans.

**Documentation:** The Permittee shall obtain Planning Division staff's stamped approval on the Project plans and submit them to the County for inclusion in the Project file.

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the county Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to occupancy. The Permittee shall maintain the required improvements for the life of the Project.

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

3. Site Maintenance

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

**Requirement:** The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses). Only equipment and/or materials which the Planning Director determines to substantially comply with Condition No. 1 (Permitted Land Uses), or which are authorized by any subsequent amendments to this PD, shall be stored on the property during the life of this PD.

Prior to construction activities, the Permittee shall install temporary construction fencing around the perimeter of the property to retain construction refuse and debris onsite. The temporary construction fencing shall be six feet high and shall be covered with material from the bottom to the top of the fencing, and along the entire length of the fencing to screen any unsightly conditions. The property shall be securely locked at the end of each construction day and when construction personnel are not present on the subject property. In addition, a trash bin(s) will be stored onsite during construction to contain and control trash and construction debris. All trash and debris must be placed in covered, onsite trash containers (consistent with Condition No. 17) and must be emptied regularly. In accordance with Section 8175-5.16 (Storage of Building Materials, Temporary) of the Ventura County Coastal Zoning Ordinance, such storage is permitted during construction and limited to 45 days thereafter. Trash container(s) authorized by the conditions of this PD Permit do not authorize their use or location outside of the property boundaries.

**Documentation:** Pursuant to Condition No. 1 (Permitted Land Uses), the PD and any amendments thereto.

**Timing:** Temporary construction fencing, and trash bin(s)/container(s) described in the Requirement section must be installed prior to any development. The Permittee shall maintain the project site in compliance with the described uses outlined in Condition No. 1 (Permitted Land Uses) for the life of the permit.

**Monitoring and Reporting:** The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

#### 4. PD Modification

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

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

5. Construction Activities

Prior to any demolition or construction activities (whichever occurs first), the Permittee shall obtain a Zoning Clearance from the Planning Division, and a Building Permit from the Building and Safety Division. The Permittee shall not store or locate vehicles, equipment, or materials used during demolition or construction activities, outside the subject property or in any way that blocks access to public rights of way, driveways, sidewalks, or the public beach.

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this Coastal PD Permit and/or commencement of construction and/or operations under this Coastal PD Permit shall constitute the Permittee's formal agreement to comply with all conditions of this Coastal PD Permit. Failure to abide by and comply with any condition of this Coastal PD Permit shall constitute grounds for enforcement action provided in the *Ventura County Coastal Zoning Ordinance* (Article 13), which shall include, but is not limited to, the following:

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

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

7. Time Limits

- a) At the conclusion of the local appeal period set forth in the *Ventura County Coastal Zoning Ordinance* (§ 8181-9.2), or following a final decision on a filed appeal, the Planning Division shall send a Notice of Final Decision to the California Coastal Commission (CCC). The CCC may set another appeal period pursuant to terms and conditions set forth in the California Coastal Act (Pub. Res. Code, § 30000 et seq.). Following the expiration of the CCC's appeal period, and if no appeals are filed, the decision regarding the Coastal PD Permit will be considered "effective." Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for demolition and construction in order to initiate the development set forth in Condition No. 1 (Project Description).
- b) This Coastal PD Permit shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for demolition or construction (whichever occurs first) within one year from the granting or approval of this Coastal PD Permit (*Ventura County Coastal Zoning Ordinance* § 8181-7.7). The Planning Director may grant a one-year extension of time to the Permittee in order to

obtain the first Zoning Clearance if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to initiate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.

- c) Prior to the issuance of the Zoning Clearance for demolition or construction (whichever occurs first), all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the last Zoning Clearance for the Project, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this Coastal PD Permit.

8. Documentation Verifying Compliance with Other Agencies' Requirements Related to this Coastal PD Permit

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

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

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

**Timing:** The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for demolition or construction (whichever occurs first).

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

9. Notice of Coastal PD Permit Requirements and Retention of Coastal PD Permit Conditions On-Site

**Purpose:** To ensure full and proper notice of these Coastal PD Permit conditions affecting the use of the subject property.

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

**Documentation:** The Permittee shall maintain a current set of Coastal PD Permit conditions and exhibits at the Project site.

**Timing:** Prior to issuance of a Zoning Clearance for demolition or construction (whichever occurs first) and throughout the life of the Project.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

10. Recorded Notice of Land Use Entitlement

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

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

**Documentation:** Recorded “Notice of Land Use Entitlement” form and conditions of this Coastal PD Permit.

**Timing:** The Permittee shall record the “Notice of Land Use Entitlement” form and conditions of this Coastal PD Permit, prior to issuance of a Zoning Clearance for demolition or construction (whichever occurs first).

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

11. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the *Ventura County Coastal Zoning Ordinance* (§ 8183-5) related to this Coastal PD Permit. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

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

12. Defense and Indemnification

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



Coastal PD Permit serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

13. Invalidation of Condition(s)

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

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

14. Contact Person

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

**Requirement:** The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this Coastal PD Permit.

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

**Timing:** Prior to the issuance of a Zoning Clearance for demolition or construction (whichever occurs first), the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the Project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned

to another person, the Permittee shall provide Planning Division staff with the new information in writing within three calendar days of the change in the Permittee's field agent.

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

15. Change of Owner and/or Permittee

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

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

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

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

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

16. Construction Noise

**Purpose:** In order for this Project to comply with the Ventura County General Plan *Goals, Policies and Programs* (2015) Noise Policy 2.16.2-1(5) and the County of Ventura Construction Noise Threshold Criteria and Control Plan.

**Requirement:** The Permittee shall limit demolition and construction activity for site preparation and development to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m., Saturday, Sunday, and State holidays.

Demolition and construction equipment maintenance shall be limited to the same hours. Non-noise generating demolition and construction activities such as interior painting are not subject to these restrictions.

**Documentation:** The Permittee shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the affected public. (See Condition No. 15, above.)

**Timing:** The sign shall be installed prior to the issuance of a building permit and throughout demolition and construction activities. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, nature of the complaint, and any corrective action taken.

**Monitoring and Reporting:** The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of demolition or construction activities.

#### 17. Trash Containers During Construction

**Purpose:** In order to comply with § 8178-2.4.b (2) of the *Ventura County Coastal Zoning Ordinance* and to avert long-term adverse impacts on beach or intertidal areas.

**Requirement:** The Permittee shall ensure that all trash containers used during the demolition and construction phase of the Project have a lid/cover that must be secured at the end of each working day. Trash and debris shall be collected and placed in the designated trash bins at the end of each working day. Trash enclosures shall not restrict access to public right of ways, driveways, or sidewalks along Puesta del Sol.

**Timing:** Prior to the issuance of a Zoning Clearance for demolition or construction (whichever occurs first), the Permittee shall illustrate the enclosures on all development plans for the Planning Division's review and approval.

**Documentation:** A copy of the approved site plan.

**Monitoring and Reporting:** The Planning Division maintains a copy of the approved site plan in the Project file. The Planning Division has the authority to inspect the site to ensure that the enclosures are constructed as illustrated on the approved plans, prior to occupancy. The Planning Division has the authority to periodically inspect the site to ensure that the trash enclosures are maintained consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

#### 18. Noise Attenuation Features

**Purpose:** In order to ensure interior noise levels do not exceed the maximum acceptable noise levels set forth in the Ventura County General Plan *Goals, Policies, and Programs* Noise Policy 2.16.2-1.

**Requirement:** The Permittee shall install noise attenuation features, including double-paned windows and sound dampening exterior doors, in the single-family dwelling, in order so that interior noise levels do not exceed the maximum acceptable interior noise levels set forth in Ventura County General Plan *Goals, Policies, and Programs* Noise Policy 2.16.2-1.

**Documentation:** The Permittee shall submit building plans and any other documentation (e.g., manufacturer's specifications for windows and doors) that specify the noise attenuation features that will be included in the single-family dwelling, and demonstrate compliance with the requirements of Ventura County General Plan *Goals, Policies, and Programs* Noise Policy 2.16.2-1.

**Timing:** Prior to issuance of a Zoning Clearance for construction, the Permittee shall provide the building plans and other documentation (if required) to the Planning Division for review and approval.

**Monitoring and Reporting:** The Planning Division has the authority to conduct inspections to ensure that the specified noise attenuation features are installed in compliance with this condition, consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

#### 19. Avoidance of Nesting Birds

**Purpose:** In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing and construction activities shall be regulated.

**Requirement:** The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and construction in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

- a. Timing of land clearing or construction: Prohibit land clearing or construction activities during the breeding and nesting season (January 1 – September 1), in which case the following surveys are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing or construction activities during the breeding and nesting season (January 1 – September 1) and avoid occupied bird nests. A County-approved biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing or construction activities. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development

footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas. Pursuant to the recommendations of the California Department of Fish and Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

**Timing:** If land clearing or construction activities will occur between January 1 and September 1, the County-approved biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing or construction activities, and weekly thereafter. The last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing or construction activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the Planning Division prior to issuance of a zoning clearance for construction. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing or construction activities.

**Monitoring and Reporting:** The Planning Division reviews the Survey Report and signed contract for adequacy prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

## 20. Tree Protection Plan (TPP)

**Purpose:** To comply with the County's Tree Protection Regulations (TPR) set forth in § 8178-7 et seq. of the Ventura County Coastal Zoning Ordinance and the Tree Protection Guidelines (TPG).

**Requirement:** The Permittee shall avoid impacting protected trees to the extent feasible and shall offset or mitigate any damage to protected trees or associated impacts from such damage. If protected trees are felled/damaged and require offsets/mitigation pursuant to the TPR (§ 8107-25.10) and TPG (§ IV.C, Offset/Replacement Guidelines),

the Permittee shall post a financial assurance to cover the costs of planting and maintaining the offset trees.

**Documentation:** The Permittee shall prepare and submit to the Planning Division for review and approval, a TPP pursuant to the “Content Requirement for Tree Protection Plans” that is currently available on-line at: <http://www.ventura.org/rma/planning/pdf/permits/tree/Tree-Protection-Plan-11-11-19.pdf>. The TPP must include (but is not limited to):

- a. measures to protect all TPR-protected trees whose tree protection zones (TPZs) are within 50 feet of the construction envelope (including stockpile and storage areas, access roads, and all areas to be used for construction activities) or within 10 feet of other trees proposed for felling or removal;
- b. the offset or mitigation that will be provided for any trees approved for felling; and
- c. the offset or mitigation that will be provided should any protected trees be damaged unexpectedly.

A qualified arborist<sup>1</sup> shall prepare the TPP in conformance with the County’s TPR, TPG, and “Content Requirements for Tree Protection Plans.”

If in-lieu fees will be paid to a conservation agency for tree offsets/mitigation, the Permittee shall submit to the Planning Division for review and approval, a tree mitigation plan from a conservation agency that explains how the mitigation funds will be used to support the preservation of protected trees. After the Planning Division’s review and approval of the tree mitigation plan, the Permittee shall provide the Planning Division with a copy of the contract between the conservation agency and the Permittee.

If a financial assurance is required for tree offsets/mitigation, the Planning Division shall provide the Permittee with a “Financial Assurance Acknowledgement” form. The Permittee shall submit the required financial assurance and the completed “Financial Assurance Acknowledgement” form to the Planning Division. The Permittee shall submit annual verification that any non-cash financial assurances are current and have not expired.

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit the TPP to the Planning Division for review and approval, implement all prior-to-construction tree protection measures, and submit the required documentation to demonstrate that the Permittee implemented the tree protection measures. Unless otherwise approved by the Planning Director, replacement and transplant trees must be

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<sup>1</sup> A qualified arborist may be either an International Society of Arboriculture certified arborist or a related professional, such as a landscape architect, with qualifying education, knowledge and experience, as determined by the Planning Director. The project arborist is the arborist who prepared the TPP and remains involved with implementation and monitoring of the Project.

planted prior to construction. Other monitoring and reporting dates shall be as indicated in the approved TPP.

If in lieu fees are required and will be paid to the Planning Division's Tree Impact Fund, the Permittee shall submit these fees prior to the issuance of a Zoning Clearance for construction. Where a TPP damaged tree addendum is prepared, the Permittee shall remit payment of the fees within 30 days of Planning Division's approval of the addendum.

If in lieu fees are required and will be paid to an approved conservation agency, the Permittee shall submit these fees, along with the required tree mitigation plan and contract from the conservation organization, prior to the issuance of a Zoning Clearance for construction.

If a financial assurance is required, the Permittee shall submit the required financial assurance and the completed "Financial Assurance Acknowledgement" form prior to the issuance of a Zoning Clearance for construction. The Planning Division may release the financial assurance after receiving the report from the project arborist that verifies that the replacement trees met their final 5- or 7-year performance targets set forth in the TPP.

**Monitoring and Reporting:** The Permittee shall retain an arborist to monitor and prepare the documentation regarding the health of the protected trees, pursuant to the monitoring and reporting requirements set forth in the "Content Requirements for Tree Protection Plans." The Planning Division maintains the approved TPP and all supporting documentation in the Project file. The Resource Management Agency Operations Division maintains copies of all financial documentation. Planning Division staff, Building and Safety Inspectors, and Public Works Agency grading inspectors have the authority to inspect the site during the construction phase of the Project, in order to verify that tree protection measures remain in place during construction activities, consistent with the requirements of § 8178-7 of the Ventura County Coastal Zoning Ordinance.

#### 21. Tree Health Monitoring and Reporting

**Purpose:** To comply with the County's Tree Protection Regulations (TPR) in § 8178-7 of the Ventura County Coastal Zoning Ordinance and Tree Protection Guidelines (TPG), and with the Oak Woodland Conservation Act (OWCA) (PRC § 21083.4, Fish and Game Code § 1361).

**Requirement:** The Permittee shall submit annual monitoring reports, prepared by an arborist, after initiation of construction activities and until two years after the completion of construction activities, which address the success of tree protection measures and the overall condition of encroached-upon trees relative to their condition prior to the initiation of construction activities. If any trees are found to be in serious decline (e.g., "D" status, or "C" status if pre-construction status was "A"), the arborist's report must include a Damaged Tree Addendum to the TPP which recommends offsets and any associated additional monitoring.

**Documentation:** The Permittee shall submit annual arborist reports as stated in the "Requirement" section of this condition (above).

**Timing:** The Permittee shall submit annual arborist reports after initiation of construction activities and until two years after the completion of construction activities.

**Monitoring and Reporting:** The Permittee shall implement any recommendations made by the arborist's Damaged Tree Addendum to the satisfaction of the Planning Director. The Planning Division maintains copies of all documentation and evidence that the arborist's recommendations are implemented. The Planning Division has the authority to inspect the site to confirm the health of the protected trees and to ensure that the recommendations made by the arborist are implemented consistent with the requirements of § 8178-7 of the Ventura County Coastal Zoning Ordinance.

## 22. Archaeological Resources Discovered During Grading

**Purpose:** In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

**Requirement:** The Permittee shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
  - Cease operations and assure the preservation of the area in which the discovery was made;
  - Notify the Planning Director in writing, within three days of the discovery;
  - Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
  - Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
  - Cease operations and assure the preservation of the area in which the discovery was made;
  - Immediately notify the County Coroner and the Planning Director;
  - Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
  - Implement the agreed upon recommendations.



**Documentation:** If archaeological remains are encountered, the Permittee shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Permittee has implemented any recommendations made by the archaeologist's report.

**Timing:** If any archaeological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the archaeological report to the Planning Division immediately upon completion of the report.

**Monitoring and Reporting:** The Permittee shall provide the archaeological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. The archaeologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the archaeological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the archaeological report, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

## **PUBLIC WORKS AGENCY (PWA)**

### **Integrated Waste Management Division (IWMD) Conditions**

#### **23. Waste Diversion and Recycling Requirement**

**Purpose:** To ensure the Project complies with Ordinance No. 4445. Ordinance No. 4445 pertains to the diversion of recyclable materials generated by the Project (e.g., paper, cardboard, wood, metal, green waste, soil, concrete, plastic containers, and beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance No. 4445 can be reviewed at [www.vcpublishworks.orgord4445](http://www.vcpublishworks.orgord4445).

**Requirement:** Ordinance No. 4445 (§ 4770-2.3) requires the Permittee to work with a County-franchised solid waste hauler who will determine the level of service required to divert recyclables generated by the Project from local landfills. For a complete list of County-franchised solid waste haulers, go to: [www.wasteless.orgcommercialhaulers](http://www.wasteless.orgcommercialhaulers).

**Documentation:** The Permittee must maintain copies of their bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

**Timing:** Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

**Monitoring and Reporting:** Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill.

#### 24. Construction and Demolition (C&D) Debris Recycling Plan (Form B)

**Purpose:** Ordinance No. 4421 requires the Permittee to divert recyclable C&D materials generated by the Project (e.g., wood, metal, greenwaste, soil, concrete, asphalt, paper, and cardboard) from local landfills through recycling, reuse, or salvage. Review Ordinance No. 4421 at: [www.vcpbublicworks.orgord4421](http://www.vcpbublicworks.orgord4421).

**Requirement:** The Permittee must submit a comprehensive recycling plan (Form B – Recycling Plan) to the IWMD for any proposed construction and/or demolition projects that require a building permit.

**Documentation:** The Form B – Recycling Plan must ensure a minimum of 60% of the recyclable C&D debris generated by the project will be diverted from the landfill by recycling, reuse, or salvage. A copy of Form B is available at: <http://www.vcpbublicworks.orgbormsB&C>. A comprehensive list of permitted recyclers, County-franchised haulers, and solid waste and recycling facilities in Ventura County is available at: [www.vcpbublicworks.orgC&D](http://www.vcpbublicworks.orgC&D). A list of local facilities permitted to recycle soil, wood, and green waste is available at: [www.vcpbublicworks.orggreenwaste](http://www.vcpbublicworks.orggreenwaste). A complete list of County-franchised solid waste haulers is available at: <http://www.vcpbublicworkds.orgcommercialhaulers>.

**Timing:** Upon the RMA Building and Safety Division's issuance of a building permit for the Project, the Permittee must submit a Form B – Recycling Plan to the IWMD for approval.

**Monitoring and Reporting:** The Permittee is required to keep a copy of the approved Form B – Recycling Plan until the RMA Building and Safety Division's issuance of a final permit.

#### 25. C&D Debris Reporting Form (Form C)

**Purpose:** Ordinance No. 4421 requires the Permittee to divert recyclable C&D materials generated by the Project (e.g., wood, metal, greenwaste, soil, concrete, paper, cardboard, and plastic containers) from local landfills through recycling, reuse, or salvage. Review Ordinance No. 4421 at: [www.vcpbublicworks.orgord4421](http://www.vcpbublicworks.orgord4421).

**Requirement:** The Permittee must submit a Form C – Reporting Form to the IWMD for approval prior to issuance of their final Building & Safety Division permit. A copy of Form C – Reporting Form is available at: [www.vcpbublicworks.orgformsB&C](http://www.vcpbublicworks.orgformsB&C).

**Documentation:** The Permittee must submit original recycling facility receipts and/or documentation of reuse with their Form C – Reporting Form to verify a minimum of 60% of the recyclable C&D debris generated by their project was diverted from the landfill.

**Timing:** A completed Form C – Reporting Form, with required recycling facility receipts and/or documentation or reuse, must be submitted to the IWMD for approval prior to Building and Safety Division’s issuance of final permit.

**Monitoring and Reporting:** The Permittee is required to keep a copy of their approved Form C – Reporting Form until Building and Safety Division’s issuance of final permit.

## **Water Resources Division, Water Quality—County Stormwater Program Section (CSWP)**

### 26. Compliance with Stormwater Development Construction Program

**Purpose:** To ensure compliance with the Los Angeles Regional Water Quality Control Board National Pollution Discharge Elimination System (NPDES) Municipal Stormwater Permit No. CAS004002 (Permit) the Project is subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program” of the Permit.

**Requirement:** The construction of the proposed project shall meet requirements contained in Part 4.F. “Development Construction Program” of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities.

**Documentation:** The Permittee shall submit to the Watershed Protection District – County Stormwater Program Section (CSWP) for review and approval a completed and signed SW-1 form (Best Management Practices for Construction Less Than One Acre) which can be found at <http://onestoppermit.ventura.org/>.

**Timing:** The above listed item shall be submitted to the CSWP for review and approval prior to issuance of a Zoning Clearance for Construction.

**Monitoring and Reporting:** CSWP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs.

## **Engineering Services Department Section**

### 27. Floodplain Development Permit

**Purpose:** To comply with the Ventura County Floodplain Management Ordinance and Ventura County General Plan policies HAZ-2.1, HAZ-2.2, HAZ-2.3 and HAZ-2.5.

**Requirement:** The Permittee shall obtain a Floodplain Development Permit from the Ventura County Public Works Agency Floodplain Manager.

**Documentation:** A Floodplain Development Permit issued by the Public Works Agency Floodplain Manager.

**Timing:** The Floodplain Development Permit shall be obtained by the Applicant prior to Zoning Clearance for Construction and issuance of a building permit or prior to ground disturbance if a building permit is not required.

**Monitoring and Reporting:** A copy of the approved Floodplain Development Permit shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

#### 28. Notice of Flood Hazard Recorded on Property Title

**Purpose:** To comply with the Ventura County General Plan Policy HAZ-2.5 to inform existing and future owners of the subject property that the site, in whole or in part, is currently mapped by the Federal Emergency Management (FEMA) as being in a Special Flood Hazard Area.

**Requirement:** The Applicant shall, with the assistance of the Ventura County Public Works Agency Floodplain Manager, have recorded on the title of the subject property a Notice of Flood Hazard.

**Documentation:** A Notice of Flood Hazard deemed satisfactory to the Ventura County Public Works Agency Floodplain Manager.

**Timing:** The Notice of Flood Hazard shall be recorded on title of the subject property by the Applicant prior to Zoning Clearance for Construction and issuance of a building permit or prior to ground disturbance if a building permit is not required.

**Monitoring and Reporting:** A copy of the recorded Notice of Flood Hazard shall be provided to the Building and Safety Department as well as maintained in the case file by the Public Works Agency.

### **Water Quality Section**

#### 29. Compliance with Stormwater Development Construction Program

**Purpose:** To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No. CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., "Development Construction Program" of the Permit.

**Requirement:** The construction of the proposed project shall meet requirements contained in Part 4.F. "Development Construction Program" of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities. In addition, Part 4.F requires additional inspections to be conducted by the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer, Qualified SWPPP Practitioner, or Certified Professionals in Erosion and Sediment Control (CPESC).

**Documentation:** The Permittee shall submit to the Watershed Protection-County Stormwater Program (CSP) for review and approval a completed and signed SW-HR form (Best Management Practices for Construction at High Risk Sites), which can be found at <https://www.onestoppermits.vcrma.org/departments/stormwater-program>.

**Timing:** The above listed item shall be submitted to the CSP for review and approval prior to issuance of a Zoning Clearance for Construction.

**Monitoring and Reporting:** CSP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Building Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs and record keeping of conducting required inspections by the project proponents Qualified SWPPP Developer, Qualified SWPPP Practitioner, or CPESC.

## **OTHER VENTURA COUNTY AGENCIES**

### **Ventura County Fire Protection District (VCFPD) Conditions**

#### **30. Fire Department Clearance**

**Purpose:** To provide the Permittee a list of all applicable fire department requirements for their project.

**Requirement:** The Permittee shall obtain VCFD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

**Documentation:** A signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

**Timing:** The Permittee shall submit VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits

**Monitoring and Reporting:** A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on-site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances.

#### **31. Inspection Authority**

**Purpose:** To ensure on-going compliance with all applicable codes, ordinances and project conditions.

**Requirement:** The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

**Documentation:** A copy of the approved entitlement conditions.

Conditions for PD Permit No. PL17-0084  
Date of Public Hearing: December 13, 2018  
Date of Approval: December 24, 2018

Permittee: GMB Elliott Family, LLC.,  
Location: 8120 Puesta Del Sol, Ventura, CA  
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**Timing:** The Permittee shall allow on-going inspections by the fire code official (Fire District) for the life of the project.

**Monitoring and Reporting:** A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections.