

From: Welch, Jennifer [<mailto:Jennifer.Welch@ventura.org>]
Sent: Thursday, August 23, 2018 5:20 PM
To: Neal P. Maguire
Cc: Suphakarn, Pearl
Subject: PL17-0084

Good Afternoon Neal:

Attached are the updated conditions for Elliot. The revisions are in legislative format in the Project Description and Condition 20, Protected Monterey Cypress Tree Restrictions. Please let me know if you have any questions. Out of curiosity, have you spoken to the Whites about an agreement to withdraw the appeal? Kim mentioned you discussing that with her.

Jennifer

Jennifer M. Welch | Planning Manager
Residential Permits Section

<p>County of Ventura Planning Commission Hearing PL21-0035 Exhibit 26 - Withdraw Appeal Case No. PL17-0084 & Site Plan Adjustment Application Agreement</p>



Permit/Site Plan Adjustment Application

County of Ventura • Resource Management Agency • Planning Division

800 South Victoria Avenue, Ventura, CA 93009 • 805 654-2488 • <http://www.ventura.org/rma/planning>

Permit Number: PL17-00084

Applicant's Name: GMB Elliott Family, LLC.

Address: 2148 Troon Rd, Houston, Tx 77019

Phone Numbers: 713-523-4907 Home 713-341-5733 Office 713-291-2631 Cell

E-mail: gelliott@sterling-group.com

Signature(required) _____

Date

8-27-18

Company Name: N/A

Type of Use: Residential

Project Address/Location: 8120 Puesta del Sol, Carpinteria, Ca 93103

Property Owner's Name: GMB Elliott Family, LLC.

Address: 2148 Troon, Rd, Houston, Tx 77019

Phone Numbers: 713-523-4907 Home 713-341-5733 Office 713-291-2631 Cell

E-mail: gelliott@sterling-group.com

Signature (required) _____

Date

8-27-18

Agent or Engineer's Name: Scott Boydstun, Rasmussen and Associates

Address: 21 S. California St., 4th Floor

Phone Numbers: Home 805-648-1234 Office 805-320-3978 Cell

E-mail: sboydstun@RA-Arch.com

Assessor's Parcel Number(s): 008-170-200

Existing Permit No(s) to be adjusted: PL17-00084

Violation Number:

Description of request:

Amend Conditions of Approval

Have all of the original permit conditions been satisfied?

☐

Yes

☐

No

Have there been any changes in the area such that your request might adversely impact surrounding properties?

☐

Yes

☐

No

If yes, please describe (attach additional sheets as needed).

Has the property owner or lessee changed since the original approval of the permit?

YES

NO

☐☐

Have there been any subsequent modifications and, are all permitted structures in the same locations shown on the originally approved permit?

☐☐

APPLICANT:

- If your proposal involves physical changes to the site, attach copies of a site plan, floor plan and elevations (folded to no larger than 9" x 14") showing existing and proposed construction and/or uses, 4 copies of APN map (with zoning) with the site outlined in red and 1 copy of the original permit approval and conditions.
- If any plans are larger than 11" x 17", submit an 8.5" x 11" reduction of each plan.

STAFF USE ONLY

Date Received: _____ Received by: _____ Receipt Number: _____

Standard Fee: **\$500.00** (deposit)

Minor Permit Adjustment Fee **\$315.00** (nonrefundable)

Penalty Fee: \$ _____

Zone: _____ General Plan _____ Area Plan _____ Lot Size _____

Legal Lot Status _____ Previous Permits on Site _____

Environmental Health Department review ☐ Yes ☐ No

Public Works Agency, Development and Inspection Services Department review ☐ Yes ☐ No



Discretionary Project Reimbursement Agreement

County of Ventura • Resource Management Agency and Public Works Agency
800 South Victoria Avenue, Ventura, CA 93009 • <http://www.ventura.org>

Check all that apply:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Site Plan Adjustment/Permit Adjustment | <input type="checkbox"/> Ordinance Amendment |
| <input type="checkbox"/> Tree Permit Review | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Subdivision Application (PM/TT) | <input type="checkbox"/> Major/Minor Modification |
| <input type="checkbox"/> General Plan Amendment/Zone Change | <input type="checkbox"/> Land Conservation Act (LCA) Contract |
| <input type="checkbox"/> Parcel Map Waiver (LLA, Merger, LLS, LES, CS) | <input type="checkbox"/> Conditional Certificate of Compliance |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Planned Development Permit |
| <input type="checkbox"/> Change of Use | <input type="checkbox"/> Other: |

PROJECT NO. | PL17-00084

I, Gregory Elliott, the undersigned, hereby authorize the County of Ventura to process the above referenced permit request in accordance with the Ventura County Ordinance Code. I am depositing \$ \$340.00 to pay for County staff review, coordination and processing costs related to my permit request based on actual staff time expended. **In making this deposit, I acknowledge and understand that the deposit may only cover a portion of the total processing costs. Actual costs for staff time are based on hourly rates, which I understand are in the most current fee schedules of each county agency. I also understand that these costs apply even if the application is withdrawn or not approved.**

I understand and agree to the following terms and conditions of this Reimbursement Agreement:

- Staff time from some County of Ventura departments and agencies spent processing my request will be billed against the available deposit. ***"Staff time" includes, but is not limited to, time spent reviewing application materials, site visits, responding by phone or correspondence to inquiries from the applicant, the applicant's representatives, neighbors, interested parties, attendance and participation at meetings and public hearings, and preparation of staff reports and other correspondence.***
- If processing costs exceed the available deposit, I will receive periodic invoices payable upon receipt.**
Please initial to show you have read and understand condition 2. CE
- If the final cost is less than the available deposit fee, the unused portion of the available deposit, including retention, will be refunded to me.
- If the final cost is more than the available deposit fee, **I agree to pay the difference according to the terms set by the County.**
- If I fail to pay any invoices within 30 days of the billing, the County may either stop processing my permit application, or after conducting a hearing, deny my permit request altogether. If I fail to pay any invoices after my application is granted, I understand that my permit is subject to revocation. Any work on any subsequent or concurrent permit applications will cease until all unpaid fees are paid in full.
- Fees are due and payable within 30 days of billing. Invoices unpaid after thirty (30) days will incur a 2% late fee, compounded monthly.

7. If an Initial Study Biological Assessment (ISBA) report is submitted as part of my application, the County of Ventura may need to refer my ISBA report to a County-contracted biological consultant for review. Should this review occur, I will pay a separate fee for the cost of the consultant review. This fee may vary depending on the size of development footprint and the complexity of the biological resources on the property. Selection of the biological consultant for this work shall be at the sole discretion of the Planning Director. This fee is not related to the above deposit fee and shall be paid within 10 days of written notice that the County has been billed by the biological consultant.
8. The County of Ventura may refer my application to the South Central Coastal Information Center (SCIC), CSU Fullerton, to determine whether an Initial Study (Environmental Analysis) addressing cultural resources will need to be conducted by a cultural resources consultant. Should this referral occur, I will pay a separate flat fee at the currently established rate (not to exceed \$100.00). If further study by a cultural resources consultant is required, I will be responsible for any additional costs above the established fee, and I must select the consultant from among those approved by the County of Ventura. All fees shall be paid within 10 days of written notice that the County has been billed by the SCIC or by the cultural resources consultant.
9. I agree to pay the County of Ventura the cost of placing a legal advertisement (if one is required) in a newspaper of general circulation as required by state law and local ordinance.
10. Upon project approval, if any, I agree to pay the established County Clerk Recorder Environmental Document filing fees.
11. I may, in writing, request a further breakdown or itemization of invoices, but such a request is independent of the payment obligation and time frames.
12. I agree to pay all costs related to permit condition compliance as specified in any conditions of approval for my permit/entitlement.
13. FISH AND WILDLIFE REVIEW FEES for discretionary permits and legislative amendments: I further understand that the County, or the State Office of Planning and Research, may refer my application and/or any applicable environmental document for my project to the California Department of Fish and Wildlife for review and comment in accordance with the provisions of the California Environmental Quality Act. Should this referral occur, I understand that I must pay all fees as required by Section 711.4 of the Fish and Wildlife Code (\$2,210.00 for Negative Declarations/Mitigated Negative Declarations or \$3,069.75 for Environmental Impact Reports, plus any County Clerk fees as of January 1, 2015). Should these fees be required, I agree to remit a cashier's check or money order in the required amount, payable to the Ventura County Clerk, to the Planning Division prior to any legal notifications regarding public hearings before the decision making body on my application.

Name of Property Owner or Corporate Principal (please print):

GMB Elliott Family, LLC

Driver's License Number: TX#10729632

Phone Number: 713 341 5733

Name of Company or Corporation (if applicable):

N/A

Mailing Address of the Property Owner or Corporation/Company:

If a Corporation, please attach a list of the names and titles of Corporate officers authorized to act on behalf of the Corporation

2148 Troon Rd Houston, TX 77019

Signature:*

Date:

8-27-18

***ATTENTION** — The property owner (or Corporate principal) will be held responsible for all charges.

SETTLEMENT AGREEMENT

A. This Settlement Agreement is made by GMB Elliott Family, LLC ("Elliott") and Jaleh Keyhan White and Douglas M. White (together, "White").

B. Elliott is pursuing a Coastal Planned Development Permit with the County of Ventura (the "Project") for its property located at 8120 Puesta Del Sol, Ventura, California. White appealed the Planning Director's approval of the Project to the County Planning Commission.

C. The parties have agreed to pursue revisions to the Project's description and conditions of approval to address the White's concerns regarding the Project, which revisions are set forth in Exhibit A.

TERMS

1. Elliott shall submit a Permit/Site Plan Adjustment Application ("Application") to the County to request the revisions set forth in Exhibit A.

2. If the County approves the Application, White shall inform Elliott and the County's Planning Director and Residential Permit Manager, via email and within two business days, that White withdraws its appeal of the Project effective immediately.

3. White will not pursue, in any forum, any further objection or appeal regarding the approval of the Project. Nothing in this agreement shall be interpreted as waiving White's remedies to ensure that Elliott complies with the Project's conditions of approval.

4. This Settlement Agreement shall be binding on all successors, assigns, representatives, affiliates, and agents.

GMB ELLIOTT FAMILY, LLC

Jaleh Keyhan White

DATE

Greg Elliott, Manager

DATE

Douglas M. White

DATE