



## Planning Director Staff Report Hearing on April 13, 2021

County of Ventura • Resource Management Agency

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

### CALIFORNIA AUCTION HOUSE, CONTINUATION OF AN EXISTING CONDITIONAL USE PERMIT LU07-0147, CASE NO. PL20-0069

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification to a Conditional Use Permit (CUP) LU07-0147 for the continued operation of an existing auction hall facility for an additional 20-year period (Case No. PL20-0069).
2. **Applicant / Property Owner:** John Eubanks, 8597 North Ventura Avenue, Ventura, CA 93001
3. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-5 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested Minor Modification to the CUP.
4. **Project Site, Location, and Parcel Number:** The project site is located at 8597 North Ventura Avenue in the community of Casitas Springs, within the Ojai Valley, and east of Lake Casitas. The subject facility is operated within an 0.56-acre area that lies on two adjoining parcels. The Assessor's Parcel Numbers (APNs) of the subject property are 061-0-190-200 and 061-0-190-210.
5. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Commercial Planned Development
  - b. Ojai Valley Area Plan Designation: Commercial
  - c. Zoning Designation: CPD/TRU/DKS (Commercial Planned Development, Temporary Rental Units Overlay Zone, Ojai Valley Dark Skies Overlay Zone)

**6. Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in relation to the Project site	Zoning	Land Use/Development
<b>North</b>	RE-20,000/TRU/DKS (Rural Exclusive, 20,000-SF minimum lot size, Temporary Rental Units Overlay Zone, Ojai Dark Sky Overlay Zone)	Residential
<b>South</b>	CPD/TRU/DKS (Commercial Planned Development, Temporary Rental Units Overlay Zone, Ojai Valley Dark Skies Overlay Zone)	Commercial
<b>East</b>	CPD/TRU/DKS	Commercial
<b>West</b>	RE-10,000/TRU/DKS (Rural Exclusive, 10,000-SF minimum lot size) / RE-20,000/TRU/DKS	Residential

- 7. History:** The Ventura County Planning Commission granted Conditional Use Permit (CUP) No. 4300 to authorize the operation of an auction hall and associated auction business on October 3, 1985. This permit was granted for a 10-year period which expired on October 3, 1995.

The Planning Director granted modified CUP No. 4925 on January 18, 1996, to authorize the auction business to operate for another 10 years. This CUP expired on January 22, 2006.

The Planning Director granted modified CUP LU07-0147 on November 9, 2010, to continue operation of the auction house. This CUP carries an expiration date of November 19, 2020 and remains in effect during the processing of the current application (Case No. PL20-0069) for a modified CUP.

- 8. Project Description:** A Minor Modification of a CUP to authorize the continued operation of an existing auction hall facility for a 20-year period.

The subject facility is located within a 0.56-acre permit area and includes a 5,168-square foot auction building, a 400-square foot storage building, a 600-square foot storage building and a 26-space parking lot. At this existing facility, goods and services will continue be displayed or presented for bid by customers. The auction hall will operate weekdays from 9:30 AM to 3:30 PM, or by appointment, and Saturday and Sunday from 8:00 AM to 6:00 PM or by appointment. Live auctions will occur on designated weekends between 8:00 AM and 6:00 PM. One full time employee will be onsite during the weekdays, and a maximum of seven part time employees will work onsite during scheduled auction days. A maximum of 288 occupants will be allowed inside the auction hall during auction events.

Water will continue to be supplied to the project site by the Casitas Municipal Water District. Sewer service will continue to be provided by the Ojai Valley Sanitation District. No physical changes in the existing buildings and ancillary structures are proposed. (Exhibit 3)

## **B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

Pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, Section 15000 et seq.), the proposed project is subject to environmental review.

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The request is for a Minor CUP Modification for continued operation of an existing auction house and would not alter the existing facility or parking area. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2.

Therefore, this project is categorically exempt pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines, and no further environmental review is required.

## **C. CONSISTENCY WITH THE GENERAL PLAN AND THE OJAI VALLEY AREA PLAN**

The proposed project has been analyzed and determined to be consistent with all applicable General Plan and Ojai Valley Area Plan policies. A consistency analysis which evaluates the project's consistency with the policies of the General Plan is included as Exhibit 5 of this Staff Report.

## **D. ZONING ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the requirements of the Ventura County NCZO (Section 8105-5), the proposed use is allowed in the Commercial Planned Development (CPD) zone district with the granting of a CUP by the Planning Director. A CUP has already been granted for the proposed project, as described above in Section A of this staff report, and the requested Minor Modification for continued use of the CUP will be subject to the conditions of approval (Exhibit 4) and the requirements of the Ventura County NCZO. There are no proposed modifications to the existing facility and it has been operating without complaint in compliance with the NCZO.

The proposed project is located within the Dark Sky Overlay Zone (NCZO Section 8104-7.6) and the Temporary Rental Unit Regulation Overlay Zone (NCZO Section 8104-7.5) and, therefore, is subject to the applicable standards of the Ventura County NCZO. However, the standards of the TRU Regulation Overlay Zone are not applicable because the project does not propose any temporary rental unit uses as defined by the TRU Regulation Overlay Zone. Table 1 lists the applicable Dark Sky Overlay Zone standards and a description of whether the proposed project complies with those standards.

**Table 1 –Dark Sky Overlay Zone Standards Consistency Analysis**

<p><b>Sec. 8104-7.6 – Dark Sky (DKS) Overlay Zone</b></p> <p>The purpose of this overlay zone is to protect and promote the public health, safety, welfare, the quality of life and the ability to view the night sky and reduce sky glow, by establishing regulations and a process for review of outdoor lighting. This overlay zone is intended to accomplish the following:</p> <ul style="list-style-type: none"> <li>a. Protect and reclaim the ability to view the night sky and stars, and thereby help preserve the generally rural quality of life;</li> <li>b. Protect against direct glare and excessive lighting, thereby minimizing light pollution caused by inappropriate or misaligned luminaires;</li> <li>c. Minimize light pollution while ensuring that sufficient lighting can be provided where needed to promote safety and security;</li> <li>d. Provide standards for efficient and moderate use of outdoor lighting; and</li> <li>e. Promote energy efficient and cost-effective lighting, while allowing for flexibility in the style of luminaires.</li> </ul>	<p>Yes, the proposed project is for the continued use of an existing auction house. The auction house is open no later than 6:00pm and lighting is conditioned to be shielded and pointed downward to be consistent with the Dark Sky Overlay Zone.</p>
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**E. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to grant a Minor Modification for continued operation of an existing CUP pursuant to Section 8111-1.2.1.1a of the Ventura County NCZO. The ability to make the required findings is evaluated below.

**1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].**

Based on the information and analysis presented in Exhibit 5 and Section D of this staff report, the finding that the proposed development is consistent with the intent

and provisions of the County's General Plan, the Ojai Valley Area Plan (OVAP), and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

**2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1.b].**

The proposed project is comprised of the continued operation of an existing auction house facility located in the Casitas Springs area. No changes in the existing physical facilities or the ongoing operations are proposed. No aspect of this existing use has been identified that is incompatible with the surrounding land uses or structures.

Based on the above discussion, this finding can be made.

**3. The proposed development would not be obnoxious or harmful or impair the utility of neighboring property or uses [Section 8111-1.2.1.1.c].**

The proposed project is comprised of the continued operation of an existing auction house facility located in the Casitas Springs area. No changes in the existing physical facilities or the ongoing operations are proposed.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Casitas Municipal Water District and sewer service will be provided by the Ojai Valley Sanitation District.

In summary, no aspect of project implementation has been identified that would be obnoxious, harmful or impair the utility of neighboring property or uses.

Based on the above discussion, this finding can be made.

**4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1.d].**

The proposed project will not result in any new effect on traffic congestion as no changes in the operation are proposed.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Casitas Municipal Water District and sewer service will be provided by the Ojai Valley Sanitation District.

The project site is located in an area for which emergency services are available with adequate response time.

In summary, no aspect of project implementation has been identified that would be detrimental to the public interest, health, safety, convenience, or welfare.

Based on the discussion above, this finding can be made.

- 5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].**

The proposed project is comprised of the continued operation of an existing auction house facility located in the Casitas Springs area. No changes in the existing physical facilities or the ongoing operations are proposed.

The existing auction house building and associated ancillary structures on the project site are compatible and in character with the adjoining commercial and residential uses in the vicinity.

Based on the discussion above, this finding can be made.

- 6. The proposed development will occur on a legal lot [Section 8111-1.2.1.1f].**

Assessor Parcel No. 061-0-190-200 and 061-0-190-210 constitute one legal lot that gained its current configuration from the creation of Parcel Map 15 RM 32, lot 16, as recorded by the Ventura County Clerk on August 19, 1926.

Based on the above discussion, the finding that the proposed development will occur on a legal lot can be made.

- 7. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.**

As discussed in Section B above, the proposed CUP Modification involves the continued use of an existing auction house on the subject property. The project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

Based on the discussion above, this finding can be made.

**F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), Ventura County NCZO (Section 8111-3.1). On March 31, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On March 31, 2023, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley News*. As of the date of this document, no comments have been received.

## G. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that the project is exempt from environmental review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines;
3. **MAKE** the required findings to grant a Minor Modification of a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** a Minor Modification to CUP LU07-0147, Case No. PL20-0069, subject to the conditions of approval (Exhibit 4); and,
5. **SPECIFY** that the Clerk of the Planning Division 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 this decision is based.

The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 10<sup>th</sup> day falls on a weekend or holiday). Any aggrieved person may file an appeal of the decision with the Planning Division. The Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

If you have any questions concerning the information presented above, please contact John Novi at (805) 654-2462 or [John.Novi@ventura.org](mailto:John.Novi@ventura.org).

Prepared by:



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John Novi, Case Planner  
Commercial & Industrial Permits  
Ventura County Planning Division

Reviewed by:



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Mindy Fogg, Manager  
Commercial & Industrial Permits  
Ventura County Planning Division

## EXHIBITS

- |           |   |
|-----------|---|
| Exhibit 2 | Maps  |
| Exhibit 3 | Site Plan   |
| Exhibit 4 | Conditions of Approval                                      |
| Exhibit 5 | General Plan and Ojai Valley Area Plan Consistency Analysis |





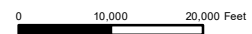
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 02-23-2023



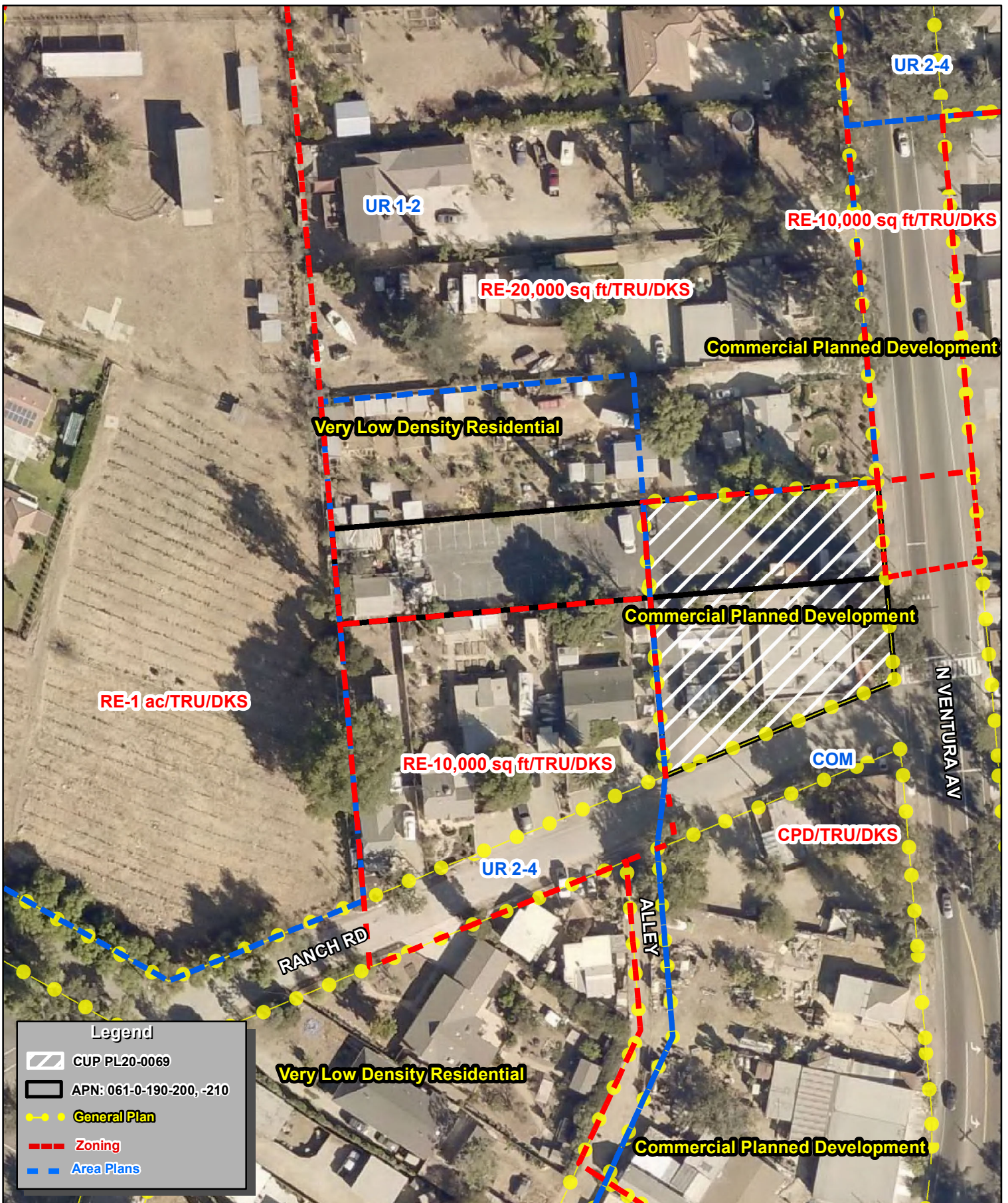
County of Ventura  
Planning Director Hearing  
Case No. PL20-0069  
Exhibit 2 - Maps



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map nor does it involve a risk of economic loss or physical injury should be made in reliance thereon.



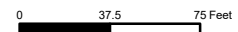




Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 02-28-2023  
 This aerial imagery is under the  
 copyrights of Pictometry  
 Source: Pictometry, 2019



County of Ventura  
 Planning Director Hearing  
 PL20-0069  
 General Plan & Zoning Map  
 Exhibit 2 Auction House



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.







061019020

061019021

RANCH RD

ALLEY

N VENTURA AV



Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map Created on 02-23-2023  
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copyrights of Vexcel 2020



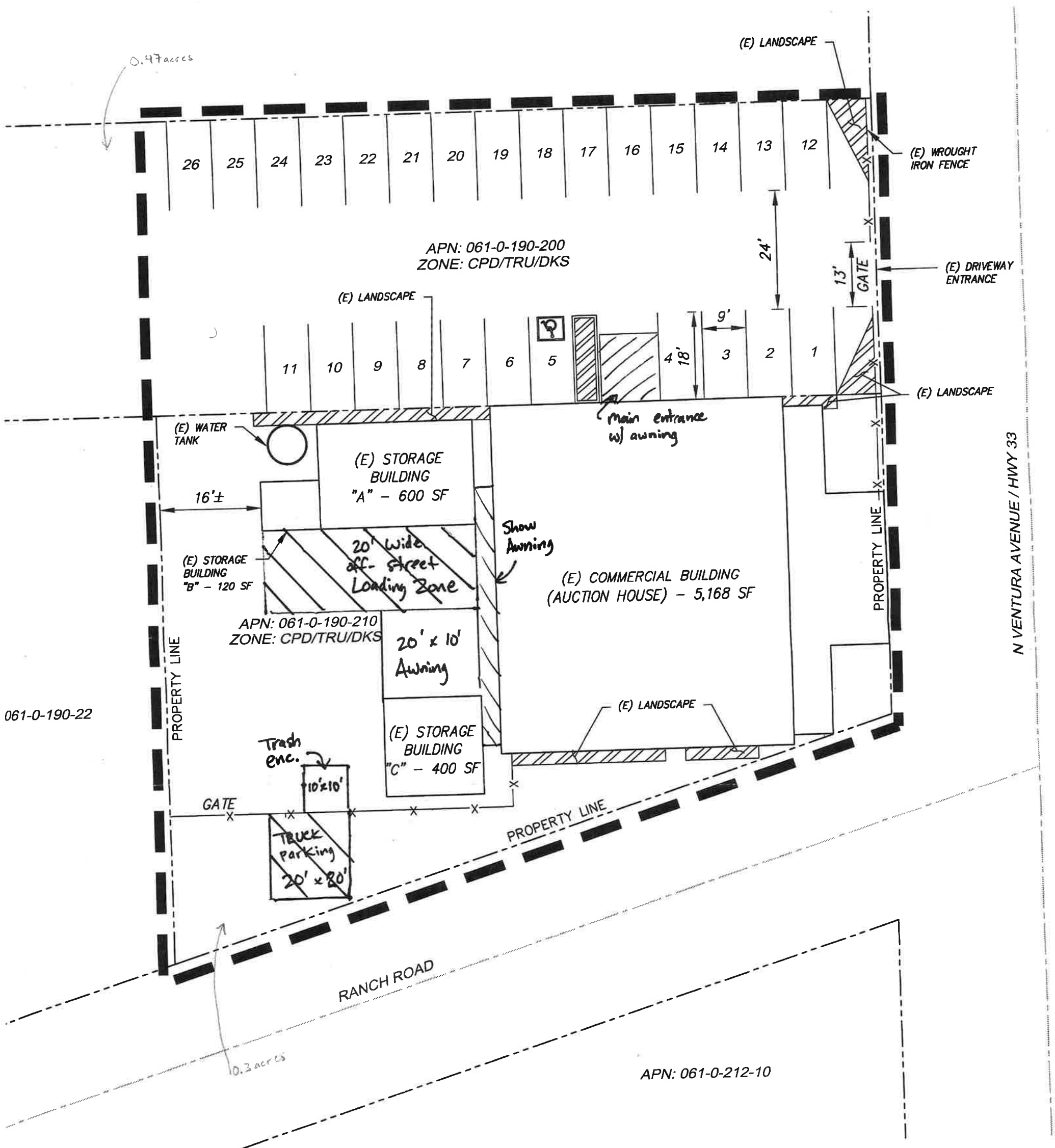
County of Ventura  
Planning Director Hearing  
PL20-0069  
Aerial Photography



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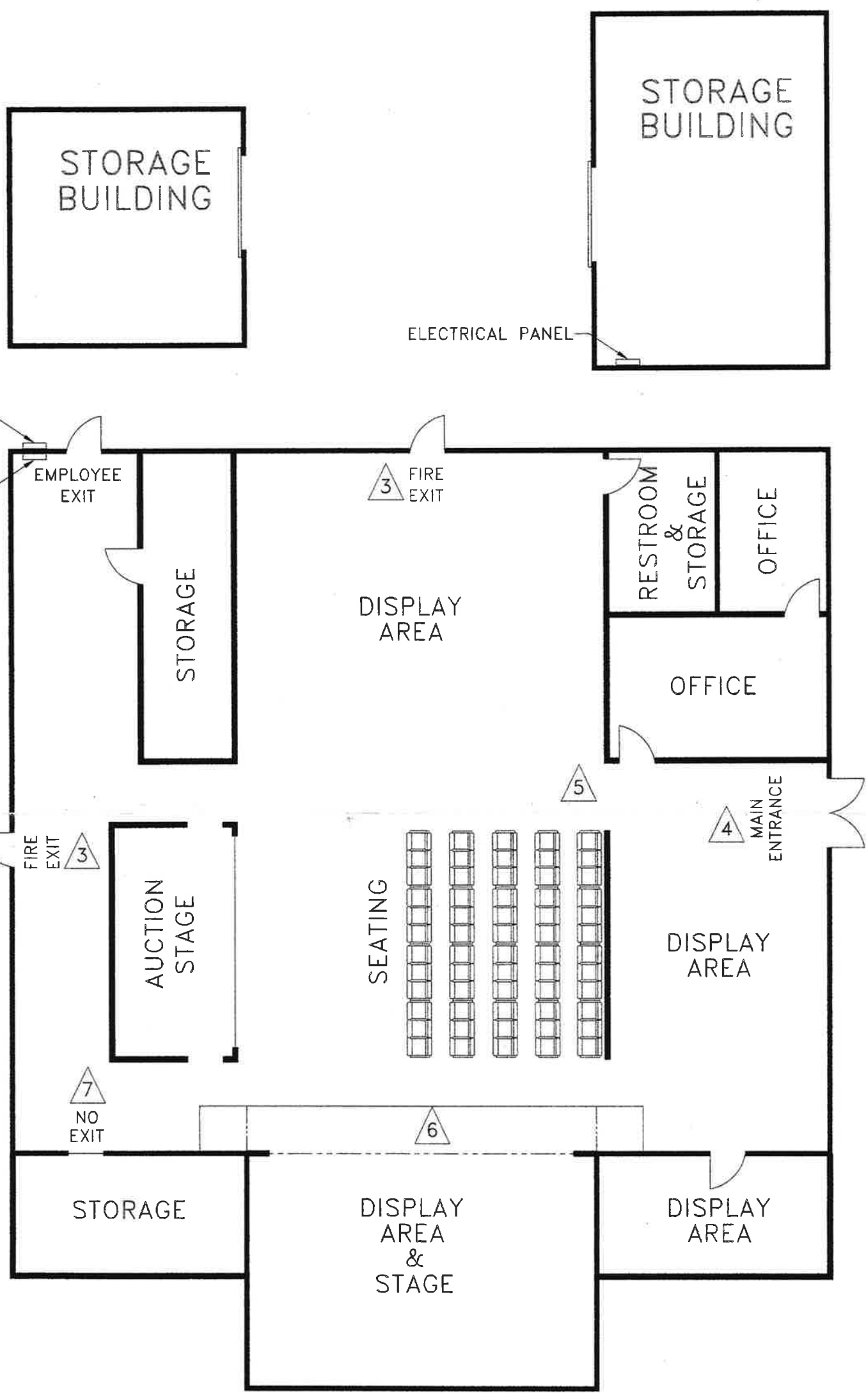




INFORMATION OBTAINED FROM VENTURA COUNTY GIS

SCALE: 1" = 20'

County of Ventura  
 Planning Director Hearing  
 Case No. PL20-0069  
 Exhibit 3 - Site Plan



General Notes:

- 1.) DOCUMENT PREPARED BY:  
WHAT A CAD (ADAM BROWN)  
8530 N. VENTURA AVE  
VENTURA, CA 93001  
(805) 649-8701
- 2.) DRAWING REPRESENTS THE FLOOR PLAN WITH POSTED EXIT LOCATIONS. THIS FLOOR PLAN IS DRAWN TO SCALE.
3. FIRE EXIT DOORS ARE EQUIPPED WITH PANIC HARDWARE AND HAVE ILLUMINATED EXIT SIGNS.
4. MAIN ENTRANCE EQUIPPED WITH ILLUMINATED EXIT SIGN, AND IS POSTED "THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS".
5. AREA IS POSTED WITH A SIGN THAT READS "OCCUPANCY LOAD 288"
6. HANDICAP ACCESSIBLE RAMP W/HAND RAILS LEADING TO THE RAISED DISPLAY/STAGE AREA.
7. LOCKED DOOR POSTED WITH A SIGN THAT READS "NO EXIT".

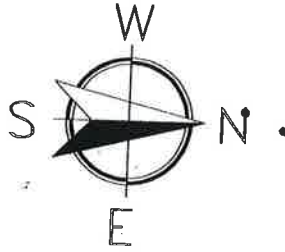
Firm Name and Address

CALIFORNIA AUCTIONEERS  
8597 N. VENTURA AVE  
VENTURA, CA 93001  
(805) 649-2686  
OWNER: JOHN EUBANKS

Project Name and Location

CUP: LU07-0147  
FOR AUCTION HALL  
8597 N. VENTURA AVE - COMMUNITY OF CASITAS SPRINGS  
APNs: 061-0-190-200

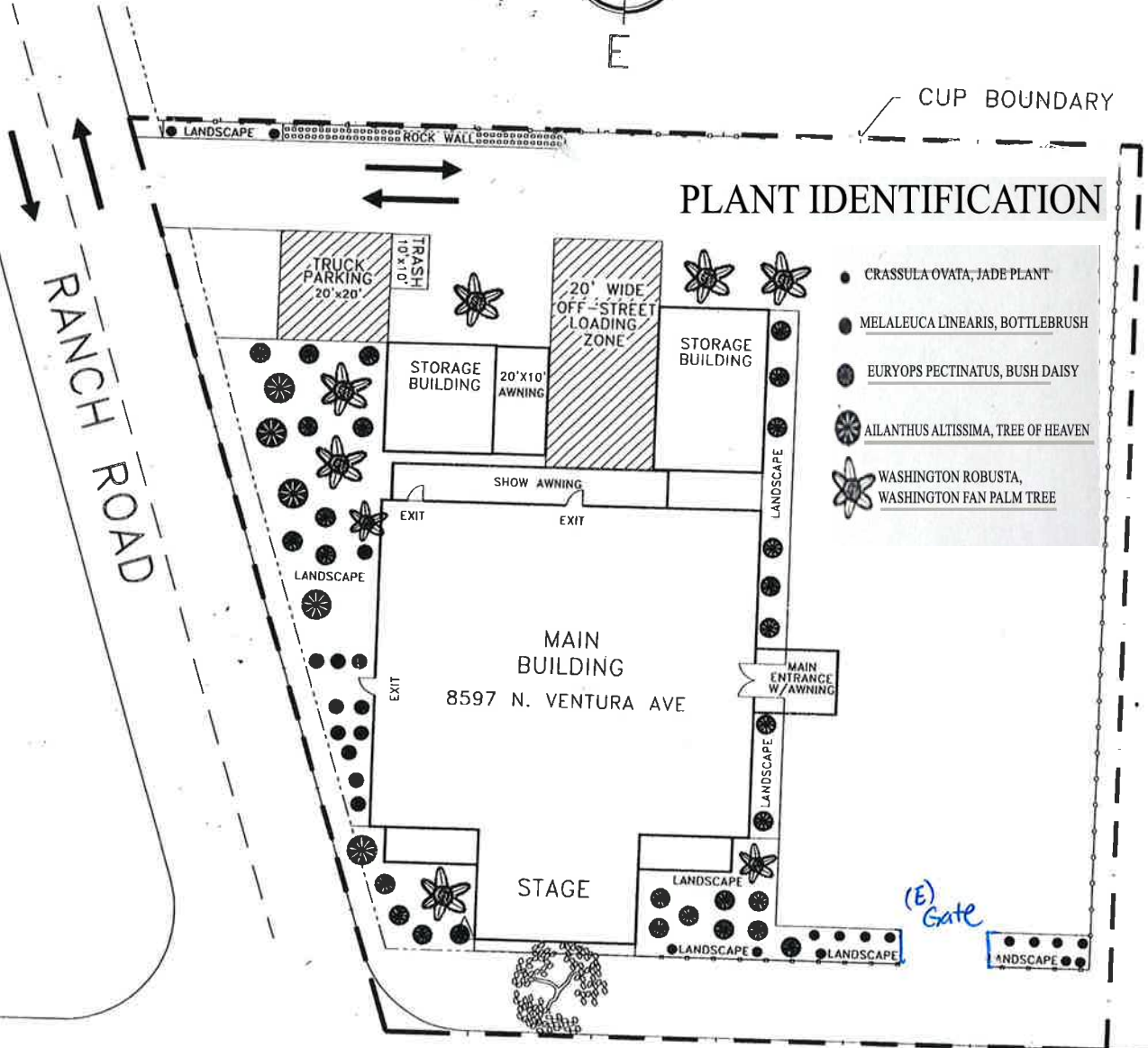
Drawn By:	ADAM BROWN		
Date:	6/18/2010		
Scale:	NONE	No.	Date
		A Initial Drawing Release	5/28/10
		Revision/Issue	



CUP BOUNDARY

### PLANT IDENTIFICATION

- CRASSULA OVATA, JADE PLANT
- MELALEUCA LINEARIS, BOTTLEBRUSH
- EURYOPS PECTINATUS, BUSH DAISY
- AILANTHUS ALTISSIMA, TREE OF HEAVEN
- WASHINGTON ROBUSTA, WASHINGTON FAN PALM TREE



**General Notes:**

- 1.) DOCUMENT PREPARED BY:  
WHAT A CAD  
1451 BROOKHAVEN AVE  
CAMARILLO, CA 93010  
(805) 258-3831
- 2.) ALL PARKING SPACES DEFINED IN PARKING PLAN COMPLY WITH THE FOLLOWING REGULATIONS, VENTURA COUNTY NON-COASTAL ZONING ORDINANCE (NC20) SECTION 8108-4.1 - PARKING SPACE SIZE SECTION 8108-4.2 - LOCATION
- 3.) 2,500 SQ FT OF TOTAL LANDSCAPING PER TITLE DOCUMENT LANDSCAPING PLAN.
- 4.) A 20' WIDE "LOADING ZONE" AREA IS PROVIDED TO ALLOW THE LOADING OF OVERSIZE ITEMS WITHOUT RESTRICTING THE FLOW OF VEHICLES IN OR OUT OF THE AUCTION HOUSE.

*Proposed Landscaping:*  
Approx. 3820 sq. ft. total  
of overall 0.8 acre site

Form Name and Address  
**CALIFORNIA AUCTIONEERS**  
8597 N. VENTURA AVE  
VENTURA, CA 93001  
(805) 649-2686  
OWNER: JOHN EUBANKS

Project Name and Location  
CUP: LU07-0147  
FOR AUCTION HALL  
8597 N. VENTURA AVE - COMMUNITY OF CASITAS SPRINGS  
APNs: 061-0-190-200

Drawn By: ADAM BROWN	D	ADDED TRUCK PARKING & TRASH	11/03/22
Scale:	C	REVISED CUP BOUNDARY	4/19/20
Date:	B	ISSUED "OFF-STREET LOADING ZONE"	11/15/09
Scale:		Revised the layout of parking spaces	
Scale:			
Scale:			

**DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP)  
LU07-0147,  
AS MODIFIED BY CASE NO. PL20-0069**

**RESOURCE MANAGEMENT AGENCY (RMA)**

**Planning Division Conditions**

1. Project Description

This CUP is based on and limited to compliance with the project description stated in this condition, the staff report and attached exhibits 2 through 5 of the Planning Director hearing on April 13, 2023, 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 permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The Project is a Minor Modification of a CUP to authorize the continued operation of an existing auction hall facility for a 20-year period.

The subject facility is located within a 0.56-acre permit area and includes a 5,168-square foot auction building, a 400-square foot storage building, a 600-square foot storage building and a 26-space parking lot. At this existing facility, goods and services will continue be displayed or presented for bid by customers. The auction hall will operate weekdays from 9:30 AM to 3:30 PM, or by appointment, and Saturday and Sunday from 8:00 AM to 6:00 PM or by appointment. Live auctions will occur on designated weekends between 8:00 AM and 6:00 PM. One full time employee will be onsite during the weekdays, and a maximum of seven part time employees will work onsite during scheduled auction days. A maximum of 288 occupants will be allowed inside the auction hall during auction events.

Water will continue to be supplied to the project site by the Casitas Municipal Water District. Sewer service will continue to be provided by the Ojai Valley Sanitation District. No physical changes in the existing buildings and ancillary structures are proposed.

The use and maintenance of the property and location of structures, parking areas and landscape areas, 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. Days and Hours of Operation

**Purpose:** In order to be compatible with surrounding land uses, it is necessary to limit the days and hours of operation of the approved use.

**Requirement:** The operation of the approved use shall be limited to weekdays from 9:30 AM to 3:30 PM, or by appointment, and Saturday and Sunday from 8:00 AM to 6:00 PM or by appointment. Live auctions will occur on designated weekends between 8:00 AM and 6:00 PM.

The permittee shall post the hours of operation in an obvious location that can be seen by customers, vendors, etc. The signage must be made of weatherproof and permanent material and comply with the Ventura County Non-Coastal Zoning Ordinance (NCZO) Article 10.

**Documentation:** The Permittee shall provide the Planning Division with photographic documentation that the hours of operation have been posted as required pursuant to this condition.

**Timing:** The Permittee shall post the hours of operation prior to the issuance of Zoning Clearance for use inauguration and the Permittee shall maintain the posted hours of operation for the life of the permit.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of Section 8114-3 of the Ventura County NCZO.

## 3. Site Maintenance

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

**Requirement:** The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

- a. **Parking:** 26 parking spaces and one, off street loading zone area shall be maintained onsite throughout the life of the permit. Parking spaces shall comply with the parking standards of the NCZO. Participants and employees shall park only within the designated areas, and within the CUP permit boundary area, as identified pursuant to the site plan for this CUP.
- b. **CUP Permit Boundary area:** The CUP Permit Boundary area shall be clearly identified by flagging or approved signage. A notice indicating no parking shall

clearly be visible, so as to inform the public that parking is only permitted within the designated areas, and within the CUP permit boundary area.

**Documentation:** The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

**Timing:** The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout 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 Section 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

#### 4. CUP 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 CUP. 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 CUP modification is required. If a CUP 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, Sections 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, Sections 15000-15387), as amended from time to time.

#### 5. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition of this CUP shall constitute grounds for enforcement action provided in the Ventura County Non-Coastal Zoning Ordinance (Article 14), 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 CUP 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 CUP.

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

6. Time Limits

a. Use inauguration:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- (3) Prior to the issuance of the Zoning Clearance for use inauguration, 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 Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date, or the County may revoke this CUP.

b. Permit Life or Operations Period: This CUP will expire on **[TBD 20 years from approval date]**. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

- (1) The Permittee has filed a permit modification application pursuant to Section 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to **[TBD 20 years from approval date]**; and
- (2) The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with Section 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

7. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CUP

**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 CUP/.

**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 CUP) 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 use inauguration.

**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.

8. Notice of CUP Requirements and Retention of CUP Conditions On Site

**Purpose:** To ensure full and proper notice of these CUP 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 CUP.

**Documentation:** The Permittee shall maintain a current set of CUP conditions and exhibits at the project site or, in the case of projects where this is impractical (e.g., telecommunication sites), use "present to the Planning Division staff copies of the conditions, upon Planning Division staff's request."

**Timing:** Prior to issuance of a Zoning Clearance for use inauguration 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 Section 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

9. Recorded Notice of Land Use Entitlement

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

**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 CUP, with the deed of the property that is subject to this CUP.

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

**Timing:** The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP prior to the issuance of a Zoning Clearance use inauguration.

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

10. 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 Non-Coastal Zoning Ordinance (Section 8114-3) related to this CUP. 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. Establishment of Revolving Compliance Account: Pursuant to the requirements of CUP Case No. LU07-0147, the Resource Management Agency created Condition Compliance Case No. CC10-0057 to cover the costs associated with

condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU07-0147. The Planning Division will continue to use Condition Compliance Case No. CC10-0057 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 10.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

- c. 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 CUP. The Permittee shall have the right to challenge any charge or penalty prior to payment.

*Note: Compliance account CC10-0057 has been established and no further deposit is necessary.*

#### 11. 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 CUP. 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 CUP, 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 CUP, 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 CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

12. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP 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 CUP 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 CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP 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 CUP, 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 CUP may be revoked.

13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the estimated costs of such work. Whenever feasible, the County will use the lowest responsible bidder or proposer. Any decisions made by County staff in reliance on consultant or contractor work may be appealed pursuant to the appeal procedures contained in the Ventura County Zoning Ordinance Code then in effect.

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 10 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

#### 14. Relationship of CUP Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

The Permittee shall obtain and maintain a business tax certificate for the operation of an auction house throughout the duration of the use.

#### 15. 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 CUP.

**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 use inauguration, 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 Section 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

16. Change of 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/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 CUP.

**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 Section 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

17. Lighting Plan

**Purpose:** To ensure lighting on the subject property is provided in compliance with Section 8106-8.6 and 8109-4.7 of the Ventura County Non-Coastal Zoning Ordinance and to ensure the following objectives are met:

- a. avoids interference with reasonable use of adjoining properties;
- b. avoids conflict with landscape features;
- c. minimizes on-site and eliminates off-site glare;
- d. provides adequate on-site lighting for security;
- e. minimizes impacts to wildlife movement;
- f. minimizes energy consumption;

- g. includes devices that are compatible with the design of the permitted facility; and,
- h. Complies with the general standards listed in Section 8109-4.7.4 for all new and replaced outdoor lighting.

**Requirement:** The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval prior to implementing such plan. The lighting plan must be prepared in accordance with the following:

- a. the lighting plan shall be prepared by an electrical engineer registered by the State of California;
- b. the lighting plan shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs). The Permittee shall also include the lighting color and maximum lumens for each light fixture;
- c. the lighting plan shall provide illumination information for all exterior lighting such as parking areas, walkways/driveways, streetscapes, and open spaces proposed throughout the development;
- d. in order to minimize light and glare on the project property, all parking lot lighting, exterior structure light fixtures, and freestanding light standards must be a cut-off type, fully shielded, and downward directed, such that the lighting is projected downward onto the property and does not cast light on any adjacent property or roadway;
- e. the outdoor lighting shall maintain the maximum light trespass levels identified in Table 1 of NCZO Section 8109-4.7.4.

The Permittee shall bear the total cost of the review and approval of the lighting plan. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

**Documentation:** The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval.

**Timing:** The Permittee shall obtain the Planning Division's approval of the lighting plan prior to the issuance of a Zoning Clearance for Use Inauguration. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the Project.

**Monitoring and Reporting:** The Planning Division maintains a stamped copy of the approved lighting plan in the Project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to occupancy. The Building and Safety Inspector and Planning Division staff have the authority to ensure that the lighting plan is installed according to the approved lighting plan. Planning Division staff has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of Section 8114-3 of the Non-Coastal Zoning Ordinance.

*Note: This condition was satisfied at the time CUP LU07-0147 was granted in 2010. Any changes in facility lighting would have to be in conformance with this condition and condition 18 below.*

#### 18. Outdoor Lighting

**Purpose:** To ensure existing outdoor lighting is compatible with adjacent uses and is provided in compliance with Section 8109-4.7 – Dark Sky Overlay Zone of the Ventura County Non-Coastal Zoning Ordinance. Also, to ensure any new, future lighting fixtures comply with Section 8109-4.7.

**Requirements:** Within the CUP boundary area, all existing outdoor lighting on the subject property that does not comply with any standard or requirement of Section 8109-4.7.2 (Existing Lighting) of the Ventura County Non-Coastal Zoning Ordinance may remain in use subject to the following applicable requirements:

- i Pursuant to Section 8109-4.7.2(b), all existing non-essential luminaires\* may remain in use until replaced but shall comply with the following requirements: (1) Luminaires that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce glare and light trespass onto adjacent properties; and (2) The lighting shall be turned off during dark hours as described in Sec. 8109-4.7.4(d);
- ii Pursuant to Section 8109-4.7.2(c), all existing essential luminaires\* may remain in use until replaced, including during dark hours as described in Sec. 8109-4.7.4(d). All existing essential luminaires that have adjustable mountings with the ability to be redirected shall be directed downward, to the extent feasible, to reduce glare and light trespass onto adjacent properties; and,
- iii Pursuant to Section 8109-4.7.4(d), all outdoor luminaires, other than an essential luminaire, shall be turned off from 10:00 p.m., or when people are no longer present in exterior areas being illuminated, or the close of business hours, whichever is latest, until sunrise.

In addition, any new, future outdoor lighting fixtures or signage shall comply with the applicable standards and requirements of Section 8109-4.7 – Dark Sky Overlay Zone.

\*Essential luminaires - A luminaire that is used for safety purposes, for security lighting, to illuminate a circulation area such as a walkway or driveway, or to illuminate a building entrance.

**Documentation:** If existing or new, future outdoor lighting does not comply with the standards and requirements described in the Requirements section (above), all necessary documentation shall be provided to Planning staff to demonstrate that compliance has been achieved by time limits provided in the Timing section of this condition (below).

**Timing:** If any existing lighting within the CUP boundary does not comply with the requirements and standards described in the Requirements section (above), the Permittee shall bring such noncompliant lighting fixtures into compliance within three months after the County has discovered such noncompliance. The Permittee shall maintain compliance with this condition throughout the term of the CUP or any subsequent modifications thereof.

**Monitoring and Reporting:** The County Building Inspector 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 § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

19. Sign Plan

Prior to the issuance of a Zoning Clearance for Use Inauguration, two copies of a Sign Plan shall be submitted to the Planning Division for review and approval by the Planning Director. The Sign Plan shall comply with Chapter 1, Article 10 of the Ventura County Ordinance Code and applicable Area Plan. The Sign Plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval. All elements of the Sign Plan shall be installed according to the Sign Plan, and inspected and approved prior to issuance of a Zoning Clearance for Use Inauguration.

*Note: This condition was satisfied at the time CUP LU07-0147 was granted in 2010. The existing signage is non-illuminated and in compliance with the Dark Sky Overlay Zone. Any changes in site signage must be in conformance with this condition and condition 18 above.*

20. Parking Requirements

- a. Parking areas shall be designed and maintained at all times for safe, convenient, and easy use by vehicles and pedestrians in accordance with Article 8 of the Zoning Ordinance.
- b. A minimum of twenty six (26) paved parking spaces shall be provided as shown on the approved project plans.
- c. One paved handicapped parking space and ramp shall be provided to serve the auction hall building, and it shall be appropriately marked.
- d. No portion of a parking space shall be located within ten (10) feet of a driveway entrance or exit.
- e. One-lane curb cuts and driveways shall be a minimum of 16 feet wide, and two-lane curb cuts and driveways shall be a minimum of 25 feet wide.
- f. Parking spaces shall be surfaced and maintained with asphalt or concrete, and shall include striping, wheel blocks, or curbs in parking areas adjacent to landscaped areas.
- g. Loading ramps, docks, etc. shall be clearly marked.



## Building and Safety Division

### 21. Building Use

The Permittee shall maintain an Assembly Group A-3 Occupancy throughout the life of the permit.

## Public Works Agency Conditions

### Integrated Waste Management Division

#### 22. Waste Diversion & Recycling Requirement

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

<https://www.vcpublicworks.org/wsd/iwmd/businessrecycling/#GreenWasteProcessing>

**Requirement:** Ordinance 4445, Sec 4770-2.2, 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 their project from local landfills. For a complete list of County-franchised solid waste haulers, go to:

<https://www.vcpublicworks.org/wsd/iwmd/construction/#solid-waste-collectors>

**Documentation:** The Permittee must maintain copies of 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.

## Other Ventura County Agencies Conditions

### Ventura County Fire Protection District

#### 23. Trash Dumpster Locations

**Purpose:** To ensure adequate exposure protection is provided for surround structures.

**Requirement:** The Permittee shall ensure that commercial trash dumpsters and

containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of building openings, building combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.

**Documentation:** A stamped copy of the approved site plan indicating commercial trash dumpster and container locations.

**Timing:** The Permittee shall submit site plans indicating all commercial trash dumpster and container locations to the Fire Prevention Bureau for approval before the issuance of building permits.

**Monitoring and Reporting:** A copy of the approved site plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the commercial trash dumpster and containers are installed according to the approved site plan. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the approved locations for the life of the development.

*Note: The facility is existing, and any future modification to the facility must comply with this condition.*

#### 24. Fire Code Permits

**Purpose:** To comply with the requirements of the Ventura County Fire Code.

**Requirement:** The Permittee shall obtain all applicable Fire Code permits.

**Documentation:** A signed copy of the Fire Code permit(s).

**Timing:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval before final occupancy, installation and/or use of any item/system requiring a Fire Code permit.

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

*Note: The facility is existing, and any future modification to the facility must comply with this condition.*

## 25. Tents, Canopies and Temporary Membrane Structures

**Purpose:** To comply with the requirements of the California Fire Code and California Code of Regulations Titles 19 and 24.

**Requirement:** The Permittee shall obtain a Fire Code permit for all temporary structures (e.g. tents, canopies, etc.). Temporary tent(s) are limited to a maximum of 180 days in a 12-month period at a single property. Each day a tent is erected counts towards the 180-day limit. The 180-day limit does not restart each time a tent is taken down. Any tent(s) exceeding the 180-day limitation shall comply with the California Building Code for permanent buildings. This will require a fire sprinkler system and a building permit. The submittal shall include the following requirements:

- a. Site plans showing the size of the tent(s), interior layout of tables and chairs, exits and fire extinguisher locations
- b. Site plans showing location of tent(s) in relation to existing buildings, other tents/canopies, cooking facilities, parking locations, heating equipment (i.e. LPG forced air heaters) and fuel operated generators.
- c. A certificate of flame retardant for tent fabrics.
- d. For outdoor festivals and concession booths, plans shall indicate which booths provide cooking and non-cooking, aisle widths between booths, emergency vehicle access and existing hydrant locations.

**Documentation:** A signed copy of the Fire Code permit(s).

**Timing:** The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval at least two (2) weeks before installing any tent.

**Monitoring and Reporting:** A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the structures are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee and their successors in interest shall maintain the conditions of the Fire Code permit for the duration of the event.

## 26. Prefabricated Sea Cargo / Metal Storage Containers

**Purpose:** To ensure a reasonable degree of life and property protection is provided.

**Requirement:** The Permittee shall comply with Ventura County Building Department and Ventura County Fire Protection District Standards or shall meet requirements as a new

building under the Building and Fire Codes.

**Documentation:** A signed copy of the project plans with Fire Prevention Bureau's approval

**Timing:** The Permittee shall submit documentation indicating that the proposed containers met the requirements of Ventura County Fire Protection District standards to the Fire Prevention Bureau for approval before use of any container.

**Monitoring and Reporting:** A copy of the approval shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the prefabricated sea cargo/metal storage containers are installed according to the approval. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the approved use and installation of the prefabricated sea cargo/metal storage containers for the life of the project.

27. 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.

**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.



# Exhibit 5 – General Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

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

## CONSISTENCY WITH THE GENERAL PLAN AND OJAI VALLEY AREA PLAN FOR CALIFORNIA AUCTION HOUSE, CASE NO. PL20-0069

### VENTURA COUNTY GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

*All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.*

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs*.

- 1. LU-11.8 Location of Retail Sales and Service Type Commercial and Office Facilities:** *The County shall encourage retail sales and service type commercial and office facilities to locate in shopping centers, established commercial areas, or planned mixed-use districts.*

**EV-1.9 Range of Commercial Services:** *The County shall encourage the development of a range of commercial uses in urban areas and Existing Communities, where zoning allows, that fulfill the daily needs of residents and visitors.*

The existing auction house is located within an established urban commercial and residential area on Ventura Avenue. The property is within the existing community of Casitas Springs and has commercial uses to the south and northeast. The surrounding zoning to the east and south are Commercial Planned Development and allow for a range of commercial services to provide for the daily needs of the surrounding residents and for visitors to the County.

Based on the above discussion, the proposed project is consistent with these policies.

- 2. LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

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Exhibit 5 - General Plan & Ojai Valley  
Area Plan Consistency Analysis

The ongoing presence and use of the existing auction house facility will not result in any new effect on public views from State Highway 33 (an eligible scenic highway) or any other public viewpoint. No new effect on community character will result from the project as no physical changes in the existing facilities are proposed.

Adequate public services (water, sewer, road access) will continue to be available to serve the subject facility.

Based on the above discussion, the proposed project is consistent with this policy.

3. **LU-16.2 Urban Design Standards for Commercial and Industrial Development:** *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

**LU-16.5 Multimodal Access to Commercial Development:** *The County shall encourage discretionary commercial development to promote ease of pedestrian/bicycle access to encourage walk-in business, while providing sufficient off-street parking.*

The existing auction house is constructed with an earthen tone stucco and stone exterior with a clay tile roof. Storage of goods for auction is contained on site in either storage buildings or behind perimeter fencing. Access to the site is primarily on Ranch Road which allows for easier access without causing congestion on Ventura Avenue. There are no sidewalks on Ventura Avenue or on Ranch Road adjacent to the existing auction house, however, a signalized cross walk is at the corner of Ventura Avenue and Ranch Road to provide pedestrian access. Ventura Avenue also provides bike lanes on both the northbound and southbound lanes and Gold Coast Transit bus 16 stops approximately 130 feet to the north of the subject property on Ventura Avenue.

Based on the above discussion, the proposed project is consistent with these policies.

4. **PFS-1.7 Public Facilities, Services, and Infrastructure Availability:** *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

**WR-1.11 Adequate Water for Discretionary Development:** *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

Adequate access and public services will continue to be available to serve the subject facility. Water will continue to be provided by the Casitas Municipal Water District (CMWD). Sewer service will continue to be provided by the Ojai Valley Sanitation District. Fire suppression measures are incorporated into the design of the existing facility. In addition, the conditions of approval include updated fire safety measures recommended by the Ventura County Fire Protection District (VCFPD).

Based on the above discussion, the proposed project is consistent with this policy.

5. **HAZ-9.1 Limiting Unwanted Noise:** *The County shall prohibit discretionary development which would be impacted by noise or generate project-related noise which cannot be reduced to meet the standards prescribed in Policy Haz-9.2. This policy does not apply to noise generated during the construction phase of a project. (SO)*

**HAZ-9.2 Noise Compatibility Standards:** *The County shall review discretionary development for noise compatibility with surrounding uses. The County shall determine noise based on the following standards:*

4. *New noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:*

a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.;*

b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.; and*

c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

The proposed project involves the continued operation of an existing auction house facility. No new noise will be generated as a result of project implementation. Noise-generating activities, such as a live auction, will continue to occur within the existing 5,168-square foot auction building.

Based on the above discussion, the proposed project is consistent with the above policies.

## **OJAI VALLEY AREA PLAN**

The Ventura County NCZO (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County

General Plan. The Ojai Valley Area Plan (OVAP) is part of the General Plan, and the project site is located within the OVAP boundaries.

Evaluated below is the consistency of the proposed project with the applicable policies of the OVAP.

- 1. OV-11.2 Discretionary Review of Commercial Development:** *The County shall subject discretionary development in Commercial designated areas to either a Planned Development or a Conditional Use Permit to assure compatibility with neighboring land uses. Such review shall give careful attention to landscaping, signage, access, site and building design and size, drainage, on-site parking and circulation, operating hours, fencing, and mitigation of nuisance factors.*

The proposed project is comprised of the continued operation of an existing conditionally permitted auction house facility in the Casitas Springs area. The existing 5,168-square foot commercial auction house building and the two ancillary storage buildings will continue to be compatible with the surrounding land uses. No complaints have been received by the County since the initial conditional use permit was granted and the facility installed in 1985.

The site has existing landscaping along the north and south sides of the building and existing approved non-illuminated signage on Ventura Avenue and Ranch Road. Site drainage was addressed upon construction of the site by the Public Works Agency and the property is surrounded by a combination of wrought iron and chain link fencing for security. Access to the site, building design, parking and circulation, operating hours, and mitigation of nuisance factors are address above, in the staff report, and in the draft conditions of approval.

No changes in the existing landscaping, signage, parking or other facilities are proposed. The operating hours are not proposed to change. Additionally, the project will be subject to conditions of approval to ensure neighborhood compatibility.

Based on the above discussion, the proposed project is consistent with this policy.

- 2. OV-17.1 Community Compatibility:** *The County shall require all discretionary development projects to be reviewed and conditioned to ensure that they are compatible with their surroundings, are of high quality and good design, are consistent with the character of the Ojai Valley, and are beneficial to the community as a whole.*

The proposed project is comprised of the continued operation of an existing conditionally permitted auction house facility in the Casitas Springs area. No changes in the physical facilities or the ongoing operations are proposed. This facility is consistent in character with surrounding uses and has proven to be compatible with the surrounding neighborhood over the last 38 years of operation.



Additionally, the project will be subject to conditions of approval to ensure neighborhood compatibility.

Based on the above discussion, the proposed project is consistent with this policy.

- 3. OV-20.1 Ventura River Valley Municipal Advisory Council (VRVMAC) Authority:** *The Ventura River Valley Municipal Advisory Council (VRVMAC) or successor group shall continue to be the Board of Supervisors' recognized public review group for all projects which fall within its review boundaries. All applications for discretionary development and all environmental documents for projects which would affect the Ojai Valley shall be reviewed by the VRVMAC or successor group.*

The proposed project involves the continued operation of an existing auction house facility. No physical changes in the existing buildings or ancillary facilities are proposed. Thus, no new development will occur on the subject property. On February 8, 2023, staff contacted the office of Supervisorial District No. 1 regarding the project and whether it needed to be reviewed by the VRVMAC (now the Ojai Valley MAC). Staff received confirmation on February 14, 2023, that, based on the limited scope of the project and because the existing facility is not proposing any physical or operational changes, the project did not require review by the Ojai Valley MAC.

Based on the above discussion, the proposed project is consistent with this policy.

- 4. OV-22.2 Evaluation of Level of Service (LOS) Impacts based on Land Use Changes:** *The County shall evaluate Area Plan land use designation changes, zone changes, and discretionary development for individual and cumulative impacts on existing and future roads, with special emphasis on the following:*

*a. Whether they would cause existing roads within the Regional Road Network or Local Road Network that are currently functioning at an acceptable Level of Service (LOS) to function below an acceptable LOS;*

*b. Whether they would worsen traffic conditions on existing roads within the Regional Road Network that are currently functioning below an acceptable LOS; and*

*c. Whether they could cause future roads planned for addition to the Regional Road Network or the Local Road Network to function below an acceptable LOS.*

The hours of operation and the number of employees of the existing auction house facility are not proposed to change. At the subject facility, goods and services will continue be displayed or presented for bid by customers. The auction hall will operate weekdays from 9:30 AM to 3:30 PM, or by appointment, and Saturday and Sunday from 8:00 AM to 6:00 PM or by appointment. Live auctions will occur on designated weekends between 8:00 AM and 6:00 PM. One full time employee will

be onsite during the weekdays, and a maximum of seven part time employees will work onsite during scheduled auction days. A maximum of 288 occupants will be allowed inside the auction hall during auction events.

Given the continuation of the existing operation with no increase in employees or operating hours, no new effect on traffic congestion on area roadways would result from project implementation. No new Peak Hour Trips would be generated.

Based on the above discussion, the proposed project is consistent with this policy.

- 5. OV-24.1 Adequate Public Facilities and Services:** *The County shall require discretionary development to demonstrate that there are adequate public facilities and services available to serve the needs of the proposed development.*

Water, road access, sewage disposal and all other necessary services are available to the project site and will continue to serve the existing facility.

Based on the above discussion, the proposed project is consistent with this policy.

- 6. OV-34.1 Compliance with Fire Protection District and Sheriff's Department Requirements:** *The County shall require discretionary development to comply with the requirements of the Fire Protection District and Sheriff's Department by providing adequate access for fire, law enforcement, emergency equipment and personnel, and evacuation.*

The existing facilities at the project site include a 26-space parking lot located on the west side of North Ventura Avenue (State Highway 33). A 13-foot-wide gate provides access to this lot. This parking lot and the roads (Ranch Road, and North Ventura Avenue) that adjoin two sides of this 0.56-acre site will continue to provide adequate access to the project site (i.e. to the auction house and ancillary structures) for fire suppression, law enforcement and medical services.

Based on the above discussion, the proposed project is consistent with this policy.

- 7. OV-35.1 Adequate Water for Firefighting:** *The County shall require adequate water supplies and delivery system for firefighting purposes to serve any discretionary development in accordance with the standards of the Fire Protection District (VCFPD).*

Water will continue to be provided to the project site by the CMWD in a manner that meets the fire flow standards of the VCFPD. The conditions of approval include provisions to ensure ongoing fire safety that are recommended by the VCFPD.

Based on the above discussion, the proposed project is consistent with this policy.

**8. OV-41.1 Scenic Views and Vistas from Public Roads or Publicly-owned Land:**

*The County shall prohibit discretionary development/grading which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land, unless the development/grading is a public project, or a private project for which there is a substantial public benefit, and overriding considerations are adopted by the decision-making body.*

The proposed project is comprised of the continued operation of an auction house facility in the Casitas Springs area. No changes in the physical facilities or the ongoing operations are proposed. Thus, no new effect on public views will result from project implementation.

Based on the above discussion, the proposed project is consistent with this policy.