



Planning Director Staff Report – Hearing on January 4, 2021

County of Ventura • Resource Management Agency • Planning Division

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

DIENER OFFICE PROJECT CONDITIONAL USE PERMIT (CUP) CASE NO. PL20-0111

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of commercial office space in a portion of an existing industrial building for an additional 20-year period. (Case No. PL20-0111).
2. **Applicant/Property Owner:** Robert Diener, P.O. Box 946, Oxnard CA 93032
3. **Applicant’s Representative:** Robert Diener
4. **Decision-Making Authority:** Pursuant to Sections 8105-5 and Section 8111-6.1.3 of the Ventura County Non-Coastal Zoning Ordinance (NCZO), the Planning Director is the decision-maker for the requested modified CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site encompasses 2.35 acres located at 167 Lambert Street, Oxnard, in the El Rio community of unincorporated Ventura County. The Assessor’s Parcel Number for the property that constitutes the project site is APN: 133-0-071-105 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Existing Community, Urban Reserve
 - b. El Rio/Del Norte Area Plan Land Use Map Designation: Industrial
 - c. Zoning Designation: “M-2” (Limited Industrial 10,000 sf minimum lot area)
7. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	“M-2” (Limited Industrial 10,000 sf minimum lot area)	Industrial buildings

South	“M-2” (Limited Industrial 10,000 sf minimum lot area)	Industrial buildings
East	“AE” “MRP” Agricultural Exclusive-Mineral Resource Protection zone (across Vineyard Blvd)	Row Crops
West	“M-2” (Limited Industrial 10,000 sf minimum lot area)	Industrial buildings

- 8. History:** Planned Development Permit No. 996 was granted by the County in March of 1984 to authorize the construction and use of a 34,312 square-foot multi-tenant industrial building.

On May 17, 1990, the Planning Commission granted Conditional Use Permit No. 4600 to authorize the reconfiguration and use of 11,024 square feet of the 34,312 square-foot building as commercial office space for a 10-year period. The remaining 23,288 square feet of the industrial building was (and still is) regulated by the terms of Planned Development Permit No. 996.

On June 13, 2000, a modification of CUP 4600 was granted by the Planning Director to extend the effective term of the permit by 10 years to the Year 2010.

On October 7, 2010, modified CUP LU10-0073 was granted by the Planning Director to authorize the continued use of the commercial office spaces for an additional 10-year period ending in October 2020.

The applicant requests that another modified CUP be granted to authorize the continued operation of the commercial office spaces for an additional 20-year period ending in 2040. No changes in the existing facilities or uses are proposed.

- 9. Project Description:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of commercial office space in an 11,024 square-foot portion of an existing 34,312 square-foot industrial building for an additional 20-year period ending in 2040. No physical changes in the existing building or ancillary facilities (i.e. parking lot, landscaping) or the current onsite uses are proposed. Water will continue to be provided to the site by the Vineyard Avenue Mutual Water Company. Sewer service will continue to be provided by the County of Ventura (County Service Area 34). (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.

Planned Development Permit PD 996 was granted in 1984 to authorize the construction of the existing 34,312 square-foot multi-tenant industrial building. In 1990, CUP 4600 was granted to authorize the use of an 11,024 square-foot portion of this building for commercial office space. The effects of this change of use were evaluated in 1990 and found to be exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines. The section exempts the continuation of existing uses or structures from further environmental review.

Subsequent to the initial authorization of the office use, the effective period of the CUP was extended twice, in 2000 and 2010. In both cases, no changes in the existing facility were proposed and the continuation of the office use was found to be exempt pursuant to Section 15301.

The current proposal is comprised of the continued operation of the existing permitted structures and uses on the subject property. No new structures or changes in use are proposed. Thus, similar to previous permit actions, the project is exempt from further environmental review pursuant to CEQA Section 15301.

Further, the Project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

Based on the above discussion, the proposed project is categorically exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE 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 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* and El Rio / Del Norte Area Plan.

LU-1.5 Infill Development: *The County shall encourage infill development within Existing Communities and within or adjacent to existing development within unincorporated urban centers to maximize the efficient use of land and existing infrastructure. (RDR)*

LU-11.1 Location: *The County shall encourage mixed-use, commercial, and industrial development be located within cities, existing unincorporated urban centers, or designated Existing Communities where necessary public facilities and services can be provided to serve such development. (RDR)*

Staff Analysis: The proposed project is comprised of the continuation of use of existing commercial office space located within a previous permitted industrial building. When originally authorized in 1990, this office space use constituted “infill development” within an “existing development” within an unincorporated urban center. This office space development maximizes the efficient use of the subject land and existing infrastructure. Water, sewer and all other urban services will continue to be available to serve this existing development.

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

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. (RDR)*

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. (RDR)*

Staff Analysis: The proposed project is comprised of a continuation of existing land uses. No change in the existing building or accessory facilities on the project site are proposed. No new effect on community character or on neighboring uses will result from project implementation. The existing building will remain in character with the other industrial buildings and facilities located in the Lambert Road area. Water, sewer and all other urban services will continue to be available to serve this existing development.

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

LU-17.2 Siting of Uses: *Within designated disadvantaged communities, the County shall consider environmental justice issues as they relate to potential health impacts associated with land use decisions to reduce the adverse health effects of hazardous materials, industrial activities, and other uses that may negatively impact health or quality of life for affected county residents. (RDR, MPSP, PSR)*

Staff Analysis: The project site is located within a “disadvantaged community” designated by the State of California. The proposed project would not, however, negatively impact the health or quality of life for residents in the vicinity. This conclusion is based upon the fact that the project is comprised on the continuation of an existing land use that has been in place for 30 years. In addition, there are few residential uses in the industrially-zoned area around Lambert Road.

Based on the above discussion, the potential effects of the proposed project on disadvantaged communities has been considered consistent with this policy.

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. (RDR)*

Staff Analysis: Water, sewer and all other urban services will continue to be available to serve this existing development.

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

PFS-3.2 Fair Share of Improvement Costs: *The County shall require development to pay its fair share of community improvement costs through impact fees, assessment districts, and other mechanisms. (RDR)*

Staff Analysis: The proposed project is comprised of the continuation of existing land uses. No change in the existing building or accessory facilities on the project site are proposed. Thus, no impact fees or other assessments are required. Any required impact fees would have been collected at the time the facility was constructed in 1984, or when the office conversion was initially approved in 1990.

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

PFS-4.1 Wastewater Connections Requirement: *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable. (RDR)*

Staff Analysis: Sewer service will continue to be provided to the project site by the County of Ventura (i.e. County Service Area 34).

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

PFS-6.1 Flood Control and Drainage Facilities Required for Discretionary Development: *The County shall require discretionary development to provide flood*

control and drainage facilities, as deemed necessary by the County Public Works Agency and Watershed Protection District. The County shall also require discretionary development to fund improvements to existing flood control facilities necessitated by or required by the development. (RDR)

Staff Analysis: The proposed project does not involve a change in the area of impervious surfaces or any alteration to the existing drainage facilities on the project site. Project implementation will not require the development of new flood control facilities or improvements in existing facilities.

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

PFS-11.4 Emergency Vehicles Access: *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments. (RDR)*

Staff Analysis: The proposed project does not involve a change in the access to the existing facility. The existing driveways and parking lots located on the east and west sides of the subject building, as well as Lambert Road, will continue to provide adequate access for emergency vehicles.

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

PFS-12.3 Adequate Water Supply, Access, and Response Times for Firefighting Purposes: The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes. (RDR)

Staff Analysis: The proposed project does not involve a change in the access to the existing facility. The existing driveways and parking lots located on the east and west sides of the subject building, as well as Lambert Road, will continue to provide adequate access for emergency vehicles. Water will continue to be provided to the project site by the Vineyard Mutual Water Company in a manner that meets the fire flow standards of the VCFPD. The project site is located less than 3 miles from the nearest fire station. Thus, the available response time will meet VCFPD requirements.

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

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

Staff Analysis: Water will continue to be provided to the project site by the Vineyard Mutual Water Company. This company produces groundwater from the Fox Canyon aquifer pursuant to an allocation from the Fox Canyon Groundwater Management

Agency (FCGMA). The County of Ventura considers such service to constitute an adequate long-term supply of water.

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

ED-13.3 Discretionary Review of Industrial Development: The County shall subject industrial development to either a Planned Development Permit or Conditional Use Permit to assure compatibility with neighboring uses. Such review shall give careful attention to aesthetics, landscaping, signage, access, site and building design and size, drainage, on-site parking and circulation, operating hours, fencing, and mitigation of nuisance factors.

ED-17.2 Review of All Discretionary Development: *The County shall review and condition all discretionary development projects to ensure that they are in conformance with the Building Intensity, Population Density Summary Table (Table ED-3), compatible with their surroundings, are of highest quality and best design feasible, are consistent with the character of the El Rio/Del Norte area, and are beneficial to the community as a whole.*

Staff Analysis: The proposed project is comprised of the continuation of existing land uses. No change in the existing building or accessory facilities on the project site are proposed. The parking capacity, signage, landscaping, building design and other aspects of the existing facility remain compatible with the surrounding industrial uses and facilities. In particular, the existing landscaping along the adjacent public roads (Vineyard Avenue and Lambert Road) remains adequate to partially screen views of the existing building. Project implementation will not result in any adverse effect on community character.

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

ED-25.1 Percolation Standards for Discretionary Development: *The County shall require discretionary development to be either served by a sewage treatment facility or an on-site septic system where the total percolate from the property to the groundwater basin does not exceed the Primary Standards - Inorganic Chemicals (Article 4, Title 22, California Code of Regulations).*

Staff Analysis: Sewer service will continue to be provided to the project site by the County of Ventura (i.e. County Service Area 34).

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

ED-39.1 Groundwater Quantity Protection: *In order to protect groundwater quantity, the County shall require discretionary development to not result in any net decrease in the quantity of groundwater, taking into account existing and projected water supply and demand factors (e.g. potable water demand, landscape irrigation, evapotranspiration,*

recharge). Discretionary development may utilize water offsets (e.g. plumbing fixture retrofits in existing structures) to achieve no decrease in the quantity of groundwater.

Staff Analysis: The proposed project is comprised of the continuation of existing land uses. No change in the existing building or accessory facilities on the project site are proposed. Thus, no new demand for groundwater is anticipated.

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

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to Section 8105-5 of the Ventura County NCZO, the proposed office use within the existing permitted industrial building is allowed in the M-2 zone district with the granting of a CUP. Upon the granting of the CUP, the Permittee will be in compliance with this requirement.

The existing building is subject to the development standards (e.g. property line setbacks, building height, etc.) set forth in Section 8106 of the NCZO. The conformance of the design of this building with these development standards was determined at the time PD Permit No. 996 was granted in 1984. No changes in the design or footprint of this building are proposed.

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 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 Sections C and D of this staff report, the finding that 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 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 a continuation of existing land uses. No change in the existing building or accessory facilities on the project site are proposed. No new effect on community character or on neighboring uses will

result from project implementation. The existing building will remain in character with the other industrial buildings and facilities located in the Lambert Road area.

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 a continuation of existing land uses. No change in the existing building or accessory facilities on the project site are proposed. 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 discussion above, 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 is comprised of a continuation of existing land uses. No change in the existing building or accessory facilities on the project site are proposed. 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 use of existing professional office spaces located within a portion of an existing industrial building. There is adequate onsite parking to support the office use and no conflicts with other uses in the vicinity have been identified. The County has not received a complaint regarding this office use in the 30 years it has been in operation. Thus, the office use has been demonstrated to be compatible with the existing land uses in the area. Given that the area is zoned M-2 (Light Industrial) and fully developed, a future change in land use in the area is not foreseeable at this time.

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

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

The 2.35-acre site is comprised of two legal lots, Parcel 1 and Parcel 2 of Tract 2843 as recorded on 91MR29. The portion of the structure involved with the current application is located entirely within Parcel 2.

Based on the discussion above, this finding 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 of this staff report, the proposed project is exempt from environmental review pursuant to Section 15301 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) and the Ventura County NCZO (Section 8111-3.1). On December 18, 2020, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On December 24, 2020 the Planning Division placed a legal ad in the *Ventura County Star*. 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 this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a modified 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** modified CUP PL20-0111, subject to the conditions of approval (Exhibit 4).
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 will be made within 40 days after the completion of the public hearing. This decision is final unless appealed to the Planning Commission within 10 calendar days after the permit has been granted, conditionally granted, or

denied (or on the following workday if the 10th 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 Mindy Fogg at (805) 654-5192 or mindy.fogg@ventura.org.

Prepared by:



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

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Site Plans
- Exhibit 4 Draft Conditions of Approval



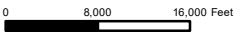
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 11-23-2020



County of Ventura
 Planning Director Hearing
 Case No. PL20-0111
 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 and no decision involving 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 11-23-2020
This aerial imagery is under the
copyrights of Pictometry: DEC. 2019

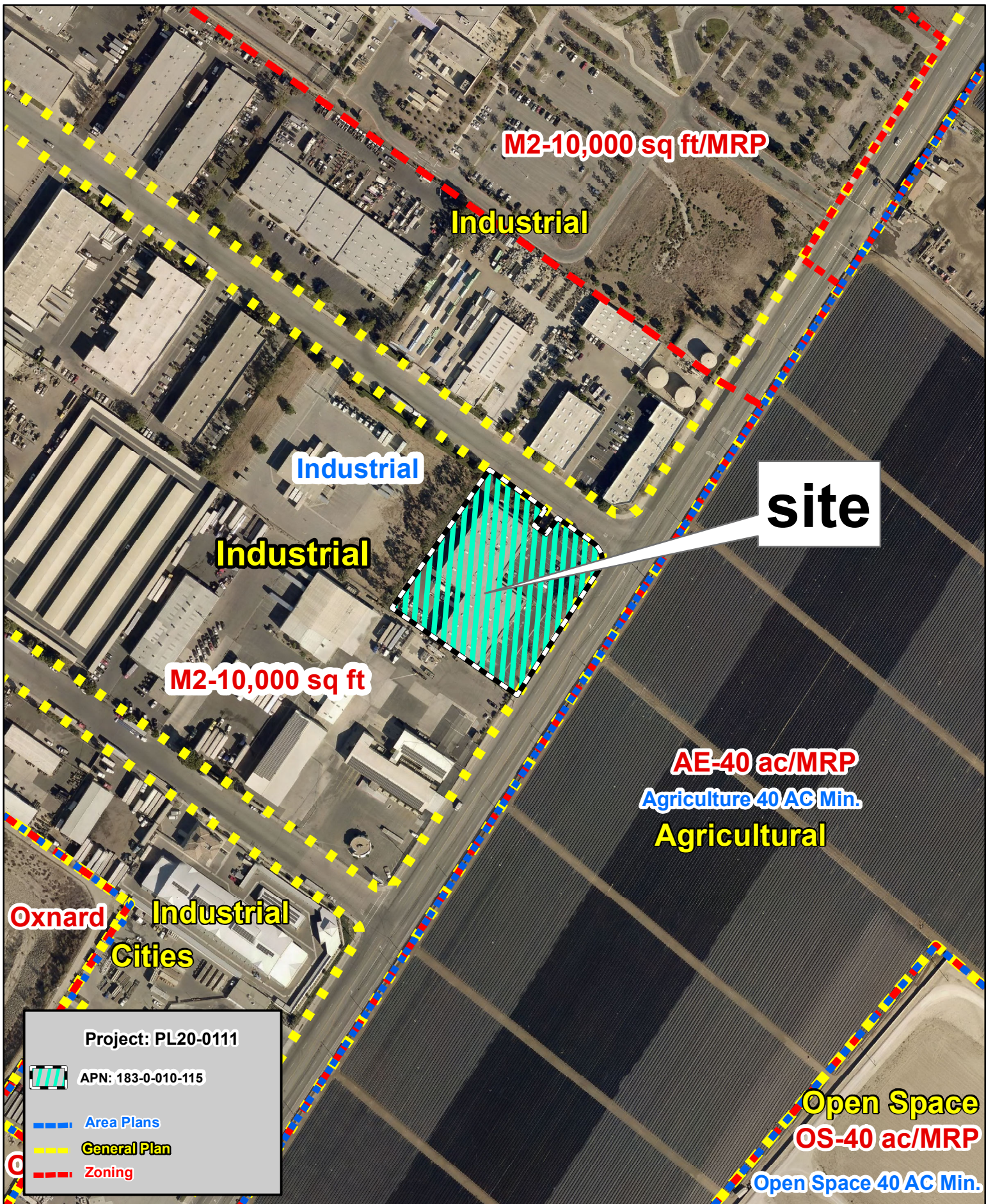


County of Ventura
Planning Director Hearing
Aerial Photography
PL20-0111





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.







Project: PL20-0111

 **APN: 183-0-010-115**

 **Area Plans**

 **General Plan**

 **Zoning**



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 11-23-2020
Source: Pictometry: 2018

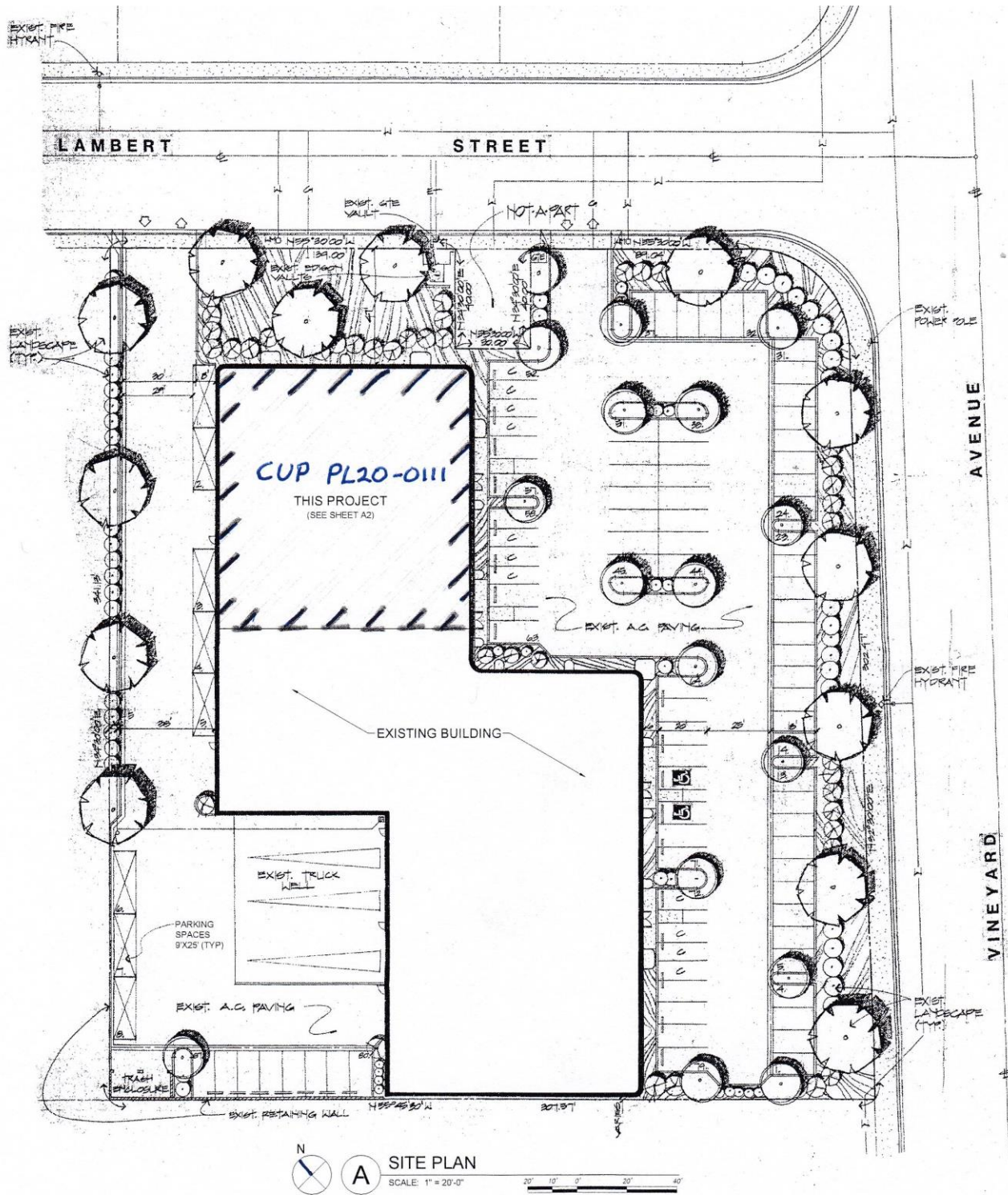


**County of Ventura
Planning Director Hearing
General Plan & Zoning Map
PL20-0111**

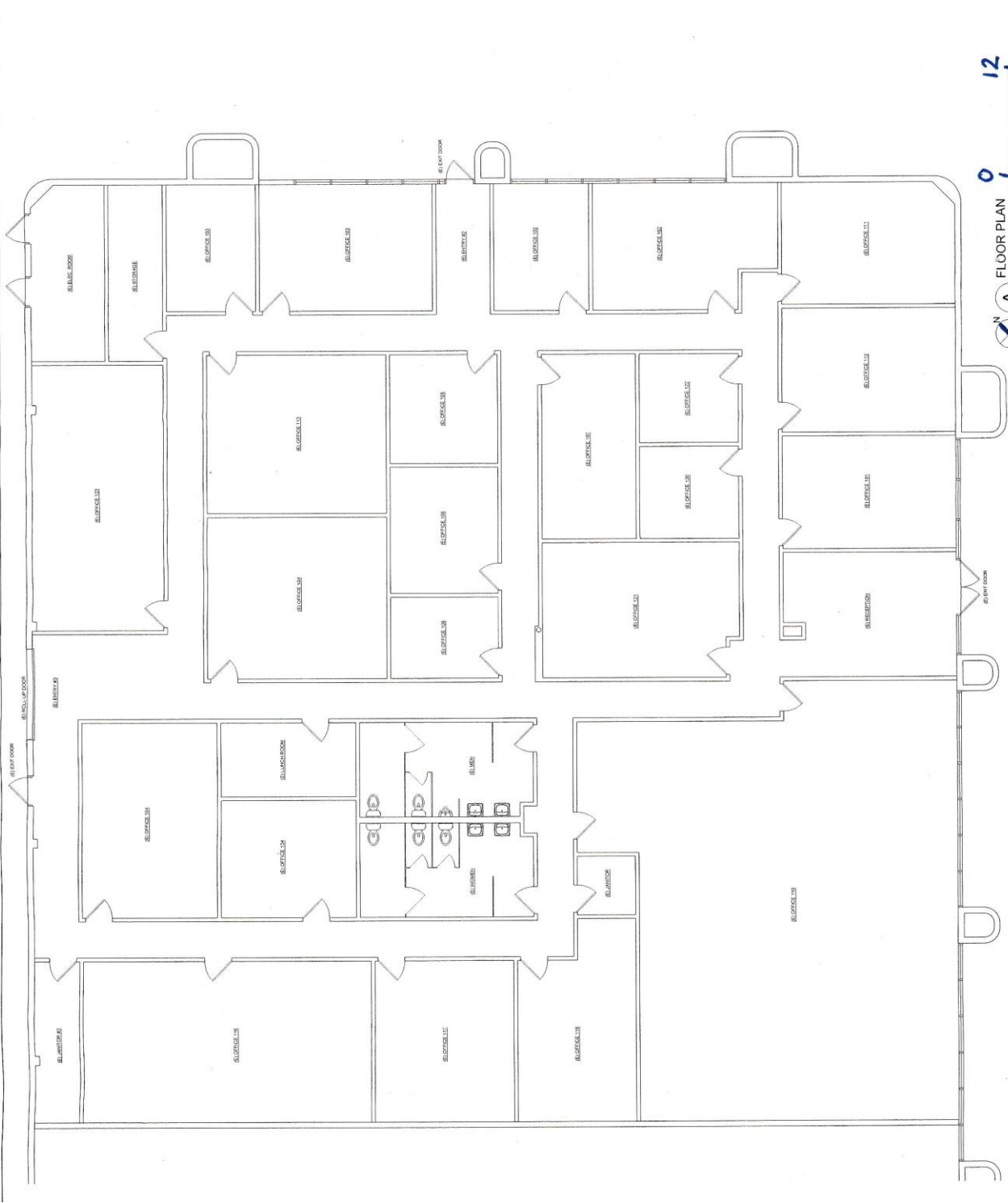


Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems GIS, which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic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





County of Ventura
 Planning Director Hearing
 Case No. PL20-0111
 Exhibit 3 - Site Plans



0 12

FLOOR PLAN

SCALE: 1/4" = 1'-0"

A



FEET

RESTROOM

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

OFFICE

EXHIBIT 4

DRAFT CONDITIONS OF APPROVAL FOR Conditional Use Permit No. PL20-0111 FOR DIENER OFFICE PROJECT

This permit authorizes the operation of commercial office spaces within an existing industrial building on the subject property subject to the limitations imposed by the following conditions of approval. Any changes in the character, intensity, location or timing of the activities authorized herein must be first approved by the County of Ventura Planning Division. A Zoning Clearance, Permit Adjustment or a Permit Modification may be required to authorize any proposed changes. Additional environmental review pursuant to CEQA may also be required. Any project change made without County authorization may constitute a violation of this permit and applicable law.

1. Project Description:

This permit authorizes the continued operation of commercial office space in an 11,024 square-foot portion of an existing 34,312 square-foot industrial building constructed pursuant to Planned Development Permit No. 996 for an additional 20-year period ending on [REDACTED], 2041. No physical changes in the existing building or ancillary facilities (i.e. parking lot, landscaping) or the current onsite uses are authorized. Water will continue to be provided to the site by the Vineyard Avenue Mutual Water Company. Sewer service will continue to be provided by the County of Ventura (County Service Area 34). The project site, building, parking areas, landscaping, trash enclosures and all other ancillary facilities shall be maintained in accordance with the approved project plans attached to the Planning Director staff report for the January 4, 2021 hearing as Exhibit 3 and incorporated herein as Condition of Approval No. 26.

2. Permit Inauguration:

In order to effectuate the granting of this CUP, the Permittee shall obtain a Zoning Clearance for Use Inauguration. As the authorized use is ongoing, this Zoning Clearance must be obtained within 60 days of the Planning Director's decision to grant this CUP. Failure by the Permittee to obtain the required Zoning Clearance within 60 days will result in expiration of this CUP. A lack of notification by the County of an impending expiration date will not extend any deadline.

3. Permit Expiration:

This permit will expire on [REDACTED], 2040 unless a modification is granted by the County of Ventura. In the alternative, the CUP expiration date shall become null and void if the applicable zoning ordinance has been amended to allow commercial offices as a by-right use in the M-2 Zone subject to a Planned Development Permit.

County of Ventura Planning Director Hearing Case No. PL20-0111 Exhibit 4 - Draft Conditions of Approval
--

4. Landscape Maintenance:

Landscaping shall be maintained in accordance with the approved plans incorporated herein as Condition of Approval 26. The permittee shall remedy any defects identified through inspection by County staff within 30 days after written notification of such defects.

5. Parking Requirements

- a. A minimum of 94 parking spaces shall be maintained on the project site as shown on the approved site plan (refer to Condition of Approval 26).
- b. Handicapped parking spaces and ramps shall be maintained and posted to serve all buildings in accordance with the handicap accessibility requirements of the California Building Code.
- c. No parking space shall be located within ten feet of a vehicular entrance to the property.
- d. Parking lots shall be surfaced with asphalt or concrete and shall include striping, wheel blocks, or curbs in parking spaces adjacent to landscaped areas.

6. Outside Storage

- a. Location of outside storage shall be in accordance with Section 8109-3.3.3 (M-2) of the Ventura County Ordinance Code.
- b. Outside storage and operation yards shall be screened from any street by walls, fences, earth mounds or landscaping.
- c. Yards, parking areas, storage areas and other open uses on the site shall be maintained in a neat and orderly condition.

7. Color Scheme

All storage and accessory buildings shall be painted or surfaced in the same color or texture as the parent building.

8. Hours of Operation

The maximum operating hours at the site shall be in accordance with the following schedule:

- a. Days of operation: 7 days a week.
- b. Hours of operation: 7:00 a.m. to 9:00 p.m.

9. 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 offsite public areas.

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in conformance with the Project description set forth in Condition No. 1. Only equipment or materials which the Planning Director determines to substantially conform with the project description shall be stored on the site.

Documentation: The approved plans for the project (Condition No. 26).

Timing: This requirement is in effect for the life of the Project.

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and 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.

10. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division.

11. 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 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;
- f. Revocation of this CUP.

The Permittee is responsible for operating the authorized use in compliance with the CUP conditions and all applicable federal, state, and local laws and regulations.

12. Use Inauguration:

The decision to grant 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.

This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within 90 days from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one year extension of the deadline 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 prior to the one-year expiration date.

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.

13. Permit Life or Operations Period:

This CUP will expire on [REDACTED], 2040. 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 [§ 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to [REDACTED], 2040 and the County decision-maker grants the requested modification, or
- (2) The applicable zoning ordinance has been amended to allow commercial office space as a by-right use in the M-2 Zone under the authority of a Planned Development Permit. In this circumstance, the CUP expiration date will become null and void.

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

14. 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.

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

15. 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: The Permittee shall provide to the Planning Division a copy of the “Notice of Land Use Entitlement.”

Timing: Prior to the issuance of the Zoning Clearance for Use Inauguration under this CUP.

Monitoring and Reporting: Planning Division staff shall review the submitted documentation and incorporate the recorded “Notice of Land Use Entitlement” form and conditions of this CUP into the Project file.

16. 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 (§ 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:

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

- (1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 16a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.
- (2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. PL20-0111, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

- 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.

17. Defense and Indemnification

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.

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.

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.

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.

18. 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.

19. 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. 16 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.

20. 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 a business tax certificate and any required regulatory licenses for the operation of the authorized commercial office spaces.

21. 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 § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

22. Change of Permittee

Purpose: To ensure that the Planning Division is 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 § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

23. 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.

24. Hazardous Materials:

The storage, handling and disposal of any potentially hazardous material/waste shall be in compliance with applicable State regulations.

25. Fire Sprinkler System Maintenance

The required building fire sprinkler system shall be serviced and maintained in proper working order at all times. Required maintenance inspections and service personnel shall be in accordance with CCR Title 19, and VCFPD Ordinance. Service and maintenance records shall be maintained on-site and available for review by the Fire Department upon request.

26. Approved Site Plans

