



Planning Director Staff Report– Hearing on July 22, 2021

County of Ventura • Resource Management Agency

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

FINNIGAN 909 INDUSTRIAL PROJECT CONDITIONAL USE PERMIT (CUP) CASE NO. PL20-0132

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing salvage yard, including automobile wrecking and sales of salvaged parts, for an additional 20-year period. (Case No. PL20-0132)
2. **Property Owner/Applicant:** Tim Finnigan, 830 E. Santa Clara Street, Ventura CA 93001
3. **Applicant's Representative:** Bill Lindsay, Robert William Company, P.O. Box 1025, Santa Paula CA 93061
(805) 525-6400
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested modified CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site encompasses 2.89 acres located at 909 Mission Rock Road in the unincorporated area west of the City of Santa Paula. The Assessor's Parcel Numbers for the property that constitutes the project site are APN: 099-0-060-535 and 099-0-060-545 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Existing Community
 - b. Zoning Designation: "M3-10,000 sq. ft." (General 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	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Auto wrecking and sales of salvaged materials
South	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Auto wrecking and sales of salvaged materials
East	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Auto wrecking and sales of salvaged materials
West	M3-10,000 (General Industrial 10,000 sf minimum lot area)	Asphalt mixing plant and recycling facility.

8. History: Industrial uses have existed in the vicinity of the project site over the past 50 years on land that was previously in agriculture use (primarily pasture). Oil development began in the mid-1950's with the first producing oil completed in 1955. During that time period, production of sand and gravel in the Santa Clara riverbed also commenced. In 1959, an asphalt batch plant was authorized in the area south of the current Mission Rock Road Existing Community. Within the Existing Community itself, the County issued the first permit for a vehicle wrecking yard in 1962. In the 1960's and early 1970's, the County permitted more industrial uses.

On January 23, 1979, the County made an Open Space Policy Determination that permitted the filing of an application for a zone change on the subject property. On May 22, 1979, the Board of Supervisors approved Zone Change No. Z-2576, which changed the site's zoning from "R-E-1Ac" (Rural Exclusive, one-acre minimum) to "M-3" (General Industrial District). On November 13, 1980, the Planning Commission granted CUP-3916 to authorize an auto salvage yard. The Permittee was unable to satisfy conditions of approval within a 3-year period in order to obtain the required Zoning Clearance for Use Inauguration. On November 13, 1983, CUP-3916 expired and the Permittee was required to submit a new application for a CUP.

On November 15, 1984, the Planning Commission granted CUP No. 4204 (Resolution No. 80-22) to authorize the installation and operation of an auto salvage yard for a five year period ending on November 15, 1989. This facility included two, 1,000 sq. ft. modular buildings for an office, sales and storage. Although the permittee filed a renewal request in July of 1985, the application was determined to be incomplete and was not processed to a decision.

On August 30, 1990, the Planning Commission granted modified CUP No. 4204-2 (Resolution No. 90-31) to authorize the continued operation of the auto salvage and dismantling yard on Assessor's Parcel No. 099-0-110-045, subject to revised conditions of approval. At that time, the Planning Commission granted 14 land use entitlements for various industrial uses in the Mission Rock Road community, all of which were subject to the following requirements:

1. Each Permittee was required to participate in a property owners association to fund the installation and maintenance of road improvements, drainage improvements, and a water supply system for fire protection purposes, within the Mission Rock Road community; and,
2. Each entitlement was subject to site- and project-specific conditions for the uses that were permitted as part of each entitlement.

The Permittees were initially required to satisfy these requirements by August 30, 1991. However, on August 29, 1991, the Planning Commission granted a one year extension of this deadline to satisfy the requirements. The Mission Rock Road Property Owner's Association was formed in May 1992, and commenced with the community-wide improvements.

On August 29, 1992, the Planning Director granted a Permit Adjustment to all of the Mission Rock Road permits to extend the deadline to complete required improvements November 5, 1992. This action provided time for the permittees to complete the road and drainage improvements, obtain off-site easements, survey the properties, and obtain another CUP for an off-site water line from the Santa Paula Water Works. Subsequently, the Mission Rock Road Property Owner's Association requested and received seven more Permit Adjustments for short-term extensions of the applicable deadlines due to various complications related to the above tasks. The last extension expired on October 18, 1993. By that time, the three major improvements were completed to the satisfaction of County Agencies.

On April 4, 1994, Tim Finnigan, the property owner, filed an application (CUP 4204, Modification No. 3) to modify the parking and landscaping layout, office and warehouse design, and yard divisions approved as part of CUP 4204. This application was, however, terminated by the County due to an extended period of incompleteness.

On October 17, 1994, Mr. Finnigan filed an application (CUP 4204, Modification No. 4) to authorize an additional one-year extension of the deadline to obtain the final Zoning Clearance for Modification No. 2. On October 24, 1995, Mr. Finnigan withdrew this application as all conditions of Modification No. 2 had been met.

On April 8, 1999, the Planning Director granted CUP 4204-5, in order to divide the site into separate yards for auto salvage and dismantling.

On June 4, 1999, the Mission Rock Road Property Owner's Association filed an appeal (Appeal No. 431) of the Planning Director's decision of May 25, 1999, to approve Modification No. 5. On February 4, 2000, the Planning Commission denied the appeal.

On April 19, 2001, the Planning Commission granted CUP 4204-6 to authorize the operation of an auto and truck dismantling and scrap metal recycling facility. At this time, a set of "umbrella" conditions were imposed on the 14 projects subject to discretionary permits in the Mission Rock Road Community. These umbrella conditions supplemented project-specific conditions included in each permit and were automatically continued for the life of the projects.

On May 16, 2003, the Planning Director granted CUP 4204-7 to authorize the construction of one new 4,900 sq. ft. metal building (Building E) and one new septic system and the continued use of the site as an automobile and truck dismantling and scrap metal recycling operation.

On August 6, 2008, the Planning Director granted CUP 4204-8 (Case No. LU07-0022) to authorize the expansion of the existing 7.43-acre CUP area by 5.7 acres to a total of 13.13 acres. As part of this action, the construction of three new warehouse buildings (Buildings H, I, and K) was authorized.

On November 15, 2010, CUP LU10-0018 was granted by the Planning Director to authorize the continued operation of the automobile wrecking and salvage operation on the original 7.43-acre property for a ten-year period ending on August 30, 2020. At that time, the uses authorized on the remaining 5.7-acre area formerly subject to CUP 4204 was placed under the authority of two other separate permits (CUP LU10-0065 and CUP LU10-0066).

On November 15, 2010, CUP LU10-0065 was granted to authorize the continued operation of the existing auto dismantling and salvage facility that occupied 2.89 acres within the 13.13-acre area previously subject to CUP 4204. This permit carries an expiration date of August 30, 2020. As allowed by the NCZO, this facility remains in operation while the current CUP modification application is processed.

9. Project Description: The proposed project is comprised of the continued operation of existing permitted industrial uses on the subject property for an additional 20-year period. These uses include:

- a. Operation of a salvage yard, including automobile wrecking yard, and the ancillary retail sales of salvaged materials (collectively, "Auto Recycling and Salvaged Auto Part Sales Facility"). The following activities are authorized as part of this facility:

- The use of the land as an automobile and truck dismantling yard, general scrap metal recycling operation (predominately vehicle scrap metal) and auto refurbishing.
 - Wholesale and retail sales of salvaged automobile parts of vehicles.
 - Auto auctions to licensed dealers only. These auctions shall occur, no more than once a week during day light hours. Parking of vehicles shall not exceed the amount of available parking spaces on the site.
 - The storage, loading, and unloading of vehicles and scrap metal materials within the boundaries of the permit area.
 - The use of portable pneumatic compaction equipment.
- b.** The use of an existing 10,500 square foot warehouse building with interior offices (Building H). The offices are to be used for the onsite Auto Recycling and Salvaged Auto Parts Sales Facility.
- c.** The Santa Paula Water Works will continue to provide water service to the project site. The existing building is connected to an existing on-site septic system that will continue to provide for sewage disposal.

The following plans constitute the approved plans for the project site:

<u>Permit Action</u>	<u>Date of Approval</u>	<u>Plan Reference</u>
CUP No. LU10-0065	1-6-2012	SP-1(Signage Plans)
CUP No. LU10-0065	1-9-2012	A-1(Directory Sign, Detail "A")
CUP No. LU10-0065	1-9-2012	LP-1 (As Built Landscape Plan) and attached photos
CUP Case No. PL20-0132	TBD	Site Plan Sheets A1.0 and A2.0 dated November 6, 2020. (Exhibit 3)

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code §21000 et seq.) and the State CEQA Guidelines (Title 14, California Code of Regulations, Division 6, Chapter 3, §15000 et seq.), the subject application is a “project” that is subject to environmental review.

On August 30, 1990, the Planning Commission adopted a Mitigated Negative Declaration (MND) that evaluated the environmental impacts of the operation of vehicle salvage yards along with several contractor’s service and storage operations, an oil

waste water treatment plant and oil production equipment, a boarding kennel, and a concrete manufacturing plant. The MND identified potentially significant cumulative impacts related to fire protection, floodplain management, and access and circulation for the entire Mission Rock Road Community. Mitigation measures identified in the MND were imposed by the Planning Commission as conditions of approval of CUP No. 4204 in order to reduce the project's contribution to the cumulative impacts to a less than significant level.

As part of the granting of CUP LU10-0065 in 2010, the Planning Director found that an Addendum to the MND prepared pursuant to Section 15164 of the CEQA Guidelines constituted adequate environmental review.

The current proposal is comprised of only an extension of the effective period of the CUP under which the various uses previously authorized currently operate. No changes in the building or other physical facilities are proposed. Similarly, the ongoing operations are not proposed to change.

Given that the proposed project does not involve a change in existing facilities and is comprised of the continuation of existing authorized operations, it is eligible for exemption from further environmental review in accordance with Section 15301 (Existing Facilities) of the CEQA Guidelines.

In summary, proposed use of the project site for the continued operation of the existing automobile dismantling yard and salvage facility does not involve any new discernable effects on the environment. The operation of these industrial uses would be compatible, in character with the surrounding industrial uses, and not change the intensity of use of the property from that previously permitted. No substantial effects on traffic, biological resources, flood hazards, noise, air quality or other environmental issues have been identified that would result from project implementation.

Based on the information provided above and in light of the whole record, staff recommends that the decision-maker find that the project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL 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.

Evaluated below is the consistency of the proposed project with the applicable policies of the 2040 General Plan.

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 the operation of an existing automobile dismantling and salvage yard for a 20-year period. This industrial facility are located in the Mission Rock Road Existing Community on land zoned for such uses. Automobile salvage operations have been taking place on the project site for the past 30 years. All necessary public and private services are available to serve the existing and proposed facilities.

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

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.*

Staff Analysis: The proposed project is comprised of a continuation of automobile-related industrial uses on the project site. No change in the existing building or other physical facilities is proposed. A change in the appearance of the property from public view along Mission Rock Road will not result from project implementation.

Water will continue to be supplied to the subject facility by the City of Santa Paula. Sewage disposal will continue to be accommodated by existing onsite wastewater treatment systems.

In summary, the proposed uses and facilities on the project site will remain in character with the other surrounding industrial uses in the area.

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

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.*

Staff Analysis: Water, road access, sewage disposal and all other necessary services will continue to be available to the project site to serve the proposed land uses.

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.*

Staff Analysis: The owner of the project site was required as part of the Mission Rock Road Property Owner's Association (MRRPOA) to participate in the development of community wide road and flood control improvements in the early 1990s. These improvements are required to be maintained in accordance with conditions of approval included in the discretionary permits granted to the various uses in the area. These are included in the recommended conditions of approval for the requested modified CUP. Thus, no impact fees or other assessments are required.

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.*

Staff Analysis: Sewer service is not available in the Mission Rock Road area. Sewage disposal for the onsite building and uses will continue to be accommodated through the use of an existing onsite wastewater treatment system.

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

PFS-4.2 Onsite Wastewater Treatment Systems: *The County may allow the use of onsite wastewater treatment systems that meet the state Water Resources Control Board Onsite Wastewater Treatment System Policy, Ventura County Sewer Policy, Ventura County Building Code, and other applicable County standards and requirements.*

Staff Analysis: Sewage disposal for the onsite building and associated uses will continue to be accommodated through the use of an existing onsite wastewater treatment system. This system is operated under permit issued by the Regional Water Quality Control Board (RWQCB) and satisfies all applicable regulatory requirements.

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.

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.*

Staff Analysis: The proposed project includes driveways and gated entrances to the onsite building and adjacent work area. These gates satisfy VCFPD requirements for emergency access. The driveways, the parking lot, and Mission Rock 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.*

Staff Analysis: The proposed project includes driveways and gated entrances to the onsite building and adjacent work areas. These gates satisfy VCFPD requirements for emergency access. The driveways, the parking lot, and Mission Rock Road will continue to provide adequate access for emergency vehicles.

Water will continue to be provided to the project site by the City of Santa Paula 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.*

Staff Analysis: Water will continue to be provided to the project site by the City of Santa Paula. The City produces groundwater from the Santa Paula Groundwater Basin in accordance with a 2010 Amended and Restated Judgement of the 1996

Stipulated Judgement that adjudicated the water rights of this basin. The City's allocation under the 2010 judgement is 5,560 Acre-Feet per year (AFY). The County of Ventura considers service by the City in conformance with established water rights and the City's adopted 2017 Urban Water Management Plan to constitute an adequate long-term supply of water.

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 the Ventura County Non-Coastal Zoning Ordinance (§8105-5), the proposed automobile salvage uses are allowed in the M3 zone district with the granting of a CUP by the Planning Commission. The requested extension of the effective period of the existing permit constitutes a Minor Modification of CUP LU10-0065 that can be acted upon by the Planning Director pursuant to Section 8111-6.1.2 of the NCZO. Upon the granting of the modified CUP, the Permittee will be in compliance with NCZO requirements.

The proposed project is located in the M3 Zone and is subject to the industrial zone development standards set forth in the Ventura County Non-Coastal Zoning Ordinance (§8106-1.2, §8109-3 and 8109-6.4). Table 1 lists the applicable development standards and a description of whether the proposed project is designed in conformance with these standards.

Table 1: Development Standards

Requirement		In conformance?
Minimum Lot Area (Gross)	10,000 sq. ft.	Yes
Maximum Percentage of Building Coverage	40%	Yes
Front Setback	10 feet	Yes.
Side Setback	Varies: As allowed by CUP	Yes
Rear Setback	Varies: As allowed by CUP.	Yes
Maximum Building Height	Varies: As allowed by CUP	Yes
Sec. 8109-3.1.1 - Undergrounding of Utilities Utility lines, including electric, communications, street lighting and cable television, shall be placed underground by the applicant, who shall make the necessary arrangements with the utility companies for the installation of such facilities.		Yes
Sec. 8109-3.1.3 et seq. - Industrial Performance Standards (e.g., objectionable factors, hazardous materials, liquid and solid wastes)		Yes
Sec. 8109-3.4.1 Metal buildings, including accessory buildings,		

either shall have exterior surfaces constructed or faced with a stainless steel, aluminum, painted, baked enamel, or similarly finished surface; or shall be reasonably screened from view from any street by other buildings or by appropriate walls, fencing, earth mounds or landscaping; or shall be located not less than 100 feet from the street centerline.	Yes
Sec. 8109-3.4.2 Outside storage and operations yards shall be fenced for security and public safety at the property line.	Yes
Sec. 8109-6.4a Required yards adjacent to streets, not used for other purposes, shall be improved with appropriate permanent maintained evergreen plant material or ground cover. Such landscaping shall extend to the street curb line, where appropriate.	Yes
Sec. 8109-6.4b Trees, approved as to type, number and location by the Planning Director, shall be planted along the street line of each site. Such street trees may also be located on private property and grouped or clustered as appropriate.	
Sec. 8109-6.4d At least five percent of any permit area in the M2 or M3 zone shall be landscaped.	Yes

In summary, the project has been designed and maintained in conformance with applicable NCZO standards.

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 the continued operation of an existing automobile dismantling yard and salvaged material sales facility. This operation is physically compatible with the surrounding industrial uses in the Mission Rock Road area. The appearance of the property from public views along Mission Rock Road will not change as no physical change in the existing facilities is proposed. No new effect

on community character or on neighboring uses will result from project implementation.

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 continued operation of the existing automobile salvage yard facilities would have no discernible new adverse effect on the neighboring properties or uses. No new environmental effect has been identified that would result from implementation of the proposed project.

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 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 would continue to serve an important function that is clearly in the public interest: the recycling and reuse of wrecked and salvaged motor vehicles. The project site has been used for this purpose for over 30 years. No substantial change in the existing building or accessory facilities on the project site is proposed.

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 automobile dismantling and salvage yard. This facility is allowed by CUP and compatible with the surrounding industrial uses in the Mission Rock Road area. No changes in the existing building or accessory facilities on the project site are proposed. No aspect of project implementation has been identified that would adversely affect or be incompatible with the existing land uses in the Mission Rock Road area. Given the industrial zoning and full utilization of this remote area for industrial uses that are generally incompatible with other urban uses, a future change in zoning, General Plan designation or land use 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 8111-1.2.1.1f].

Assessor Parcel Nos. 099-0-110-535 and 099-0-110-545 combined comprise one legal lot, which is shown and described as Parcel 2 in Exhibits A and B of Parcel Map Waiver No. SD07-0004, recorded on March 3, 2008, as Document No. 20080303-00033843 of the Official Records of Ventura County.

Based on the above discussion, 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 has been reviewed in compliance with 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), NCZO (Section 8111-3.1). On July 7, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On July 12, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments from this noticing.

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 proposed project is exempt from environmental review 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 PL20-0132, 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 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 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 Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

Prepared by:

Reviewed by:

Thomas Chaffee

MJogg

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Commercial and Industrial Permits
Ventura County Planning Division

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

EXHIBITS

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



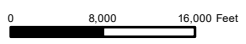
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Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 06-28-2021



County of Ventura
 Planning Director Hearing
 Case No PL20-0132
 Exhibit 2 - Maps



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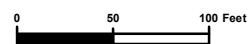




Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
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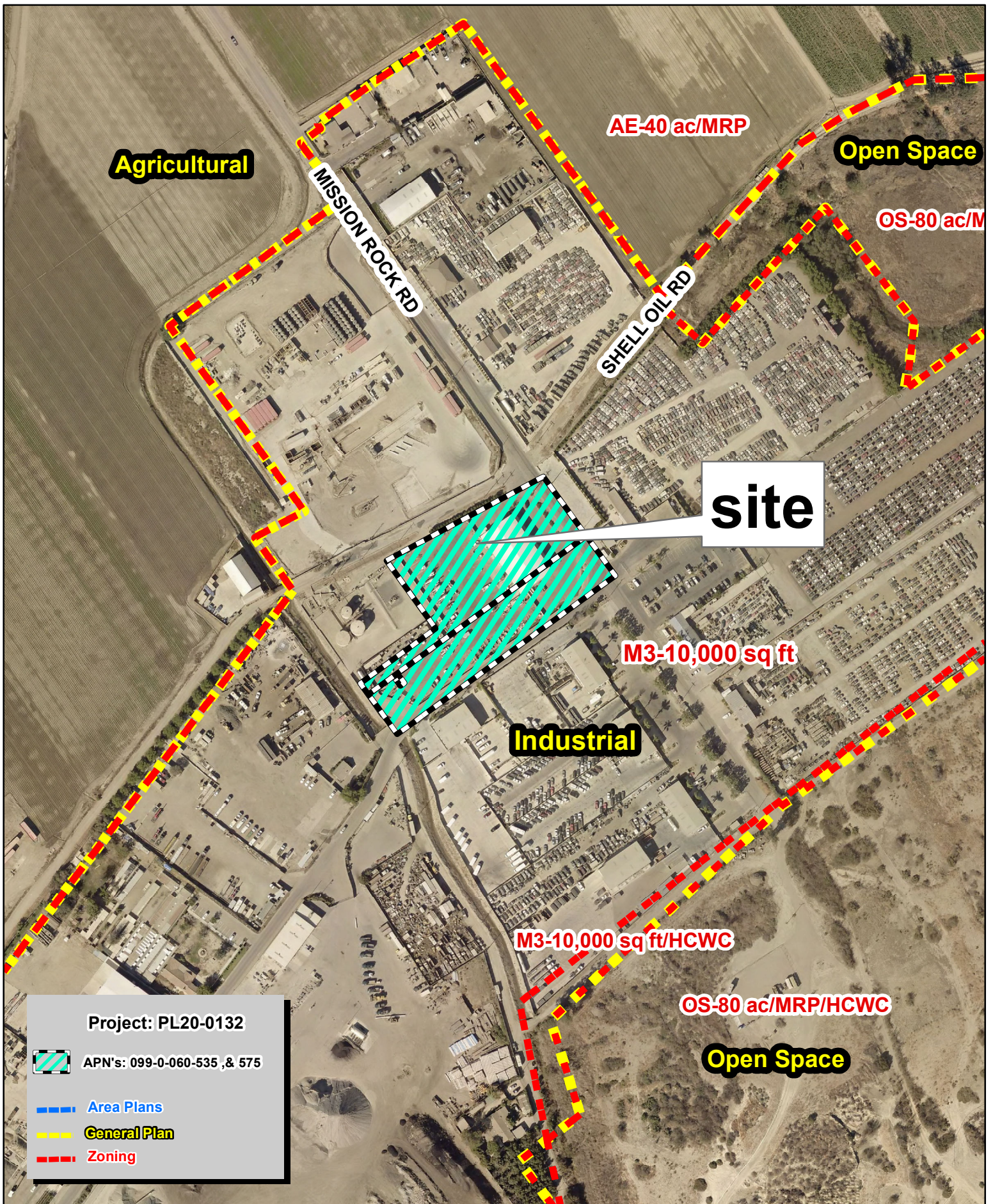


**County of Ventura
Planning Director Hearing
Aerial Photography
PL20-0132**



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Project: PL20-0132

 APN's: 099-0-060-535, & 575

 Area Plans

 General Plan

 Zoning



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 06-28-2021
Source: Pictometry: 2019

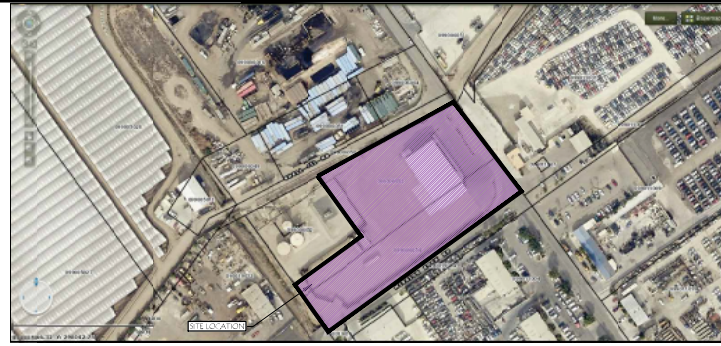
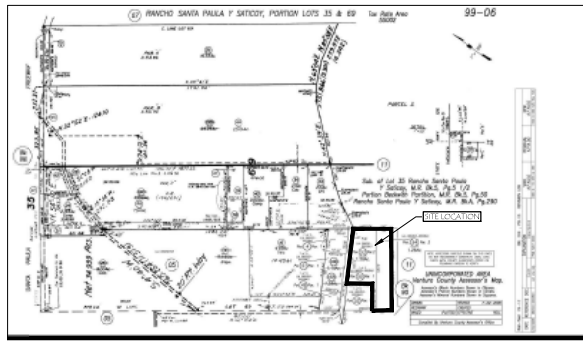


**County of Ventura
Planning Director Hearing
General Plan & Zoning Map
PL20-0132**



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PROPERTY DATA

OWNER: SPIT, LLC, TIM FINNIGAN
P.O. BOX 5073
VENTURA, CA 95005

ADDRESS: 909 MISSION ROCK ROAD,
SANTA PAULA, CA 95080

APN: 099-0-060-555, 545

LOT SIZE: 2.89 ACRES TOTAL

ZONING: MS ZONE - GENERAL INDUSTRIAL

BUSINESS DESCRIPTION: TENANT "HOTLINE CONSTRUCTION, INC"
MANUFACTURING UNDERGROUND
HIGH-VOLTAGE CABLE INSTALLATION,
SPlicing AND TERMINATING.

SCOPE OF WORK SUMMARY

C.U.P. EXTENSION AND SHOWING COMPLIANCE WITH THE
EXISTING C.U.P. CONDITIONS.

SHEET INDEX

ARCHITECTURAL SHEETS

A1.0 TITLE SHEET, SITE PLAN, NOTES, VICINITY PLAN

A2.0 FLOOR PLANS

CONDITIONS OF APPROVAL OF THE C.U.P. CASE #LUV0-0065

COND 1 CONDITIONS OF APPROVAL - PAGES 1 TO 8

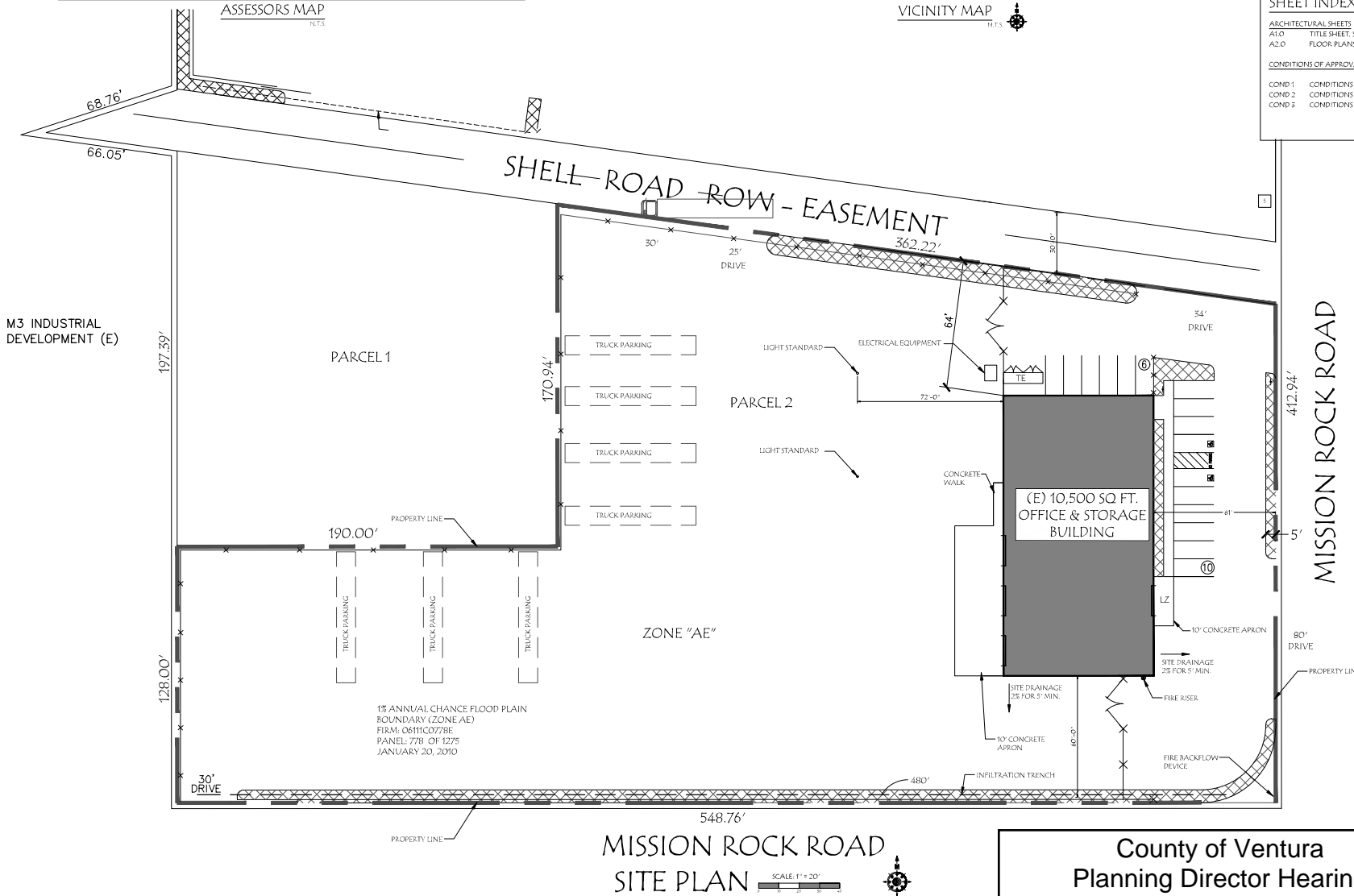
COND 2 CONDITIONS OF APPROVAL - PAGES 9 TO 16

COND 3 CONDITIONS OF APPROVAL - PAGES 17 TO 25

PLANNING SERVICES
GENERAL ENGINEERING
& BUILDING CONTRACTORS
R.W.C. LLC
SANTA PAULA, CA Lic# 716695

TEL: 805-625-1144

REVISIONS	BY



C.U.P. EXTENSION
CASE# LUV0-0065
909 MISSION ROCK ROAD
SANTA PAULA, CA 95060-9750
APN:099-0-060-555

SITE PLAN AND VICINITY MAP

DRAWN	W/L
CHECKED	
DATE	NOV 6, 2020
SCALE	AS NOTED
JOB NO.	
SHEET	

A1.0

County of Ventura
Planning Director Hearing
Case No PL20-0132
Exhibit 3 - Site Plans

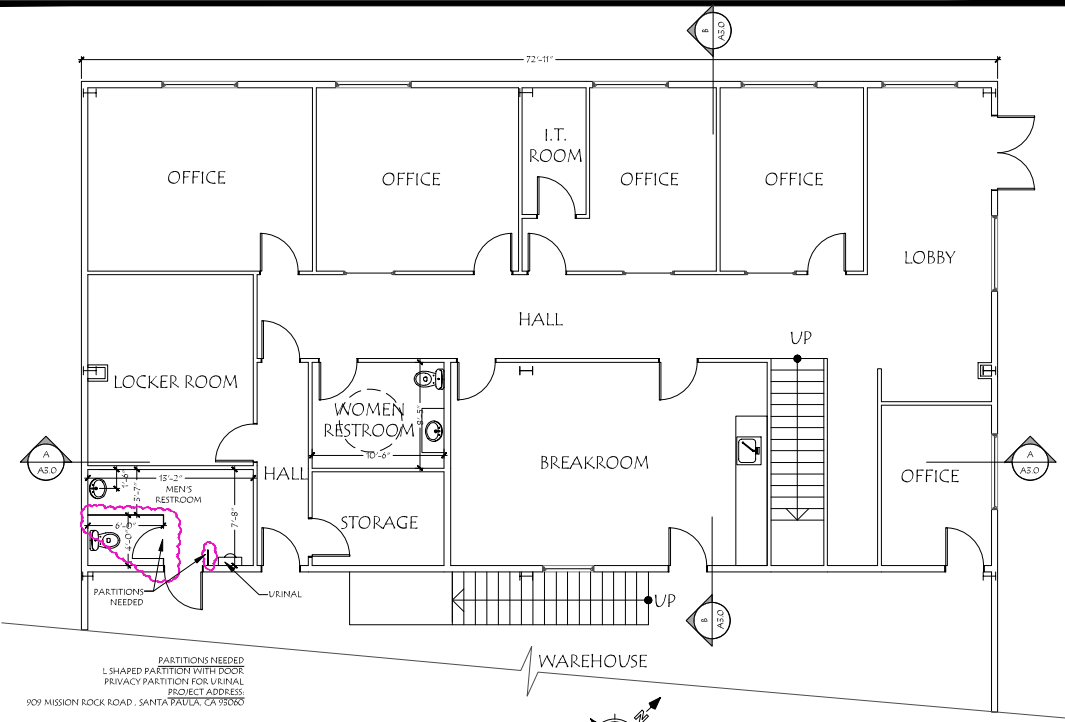
REVISIONS	BY

C.U.P. EXTENSION
CASE# LU10-0065
909 MISSION ROCK ROAD
SANTA PAULA, CA 95060-9750
APN:099-0-060-555

1ST FLOOR PLAN AND
SECOND FLOOR PLAN

DRAWN R.B.
CHECKED
DATE JUNE 10TH 2014
SCALE AS NOTED
JOB NO.
SHEET

A2.0

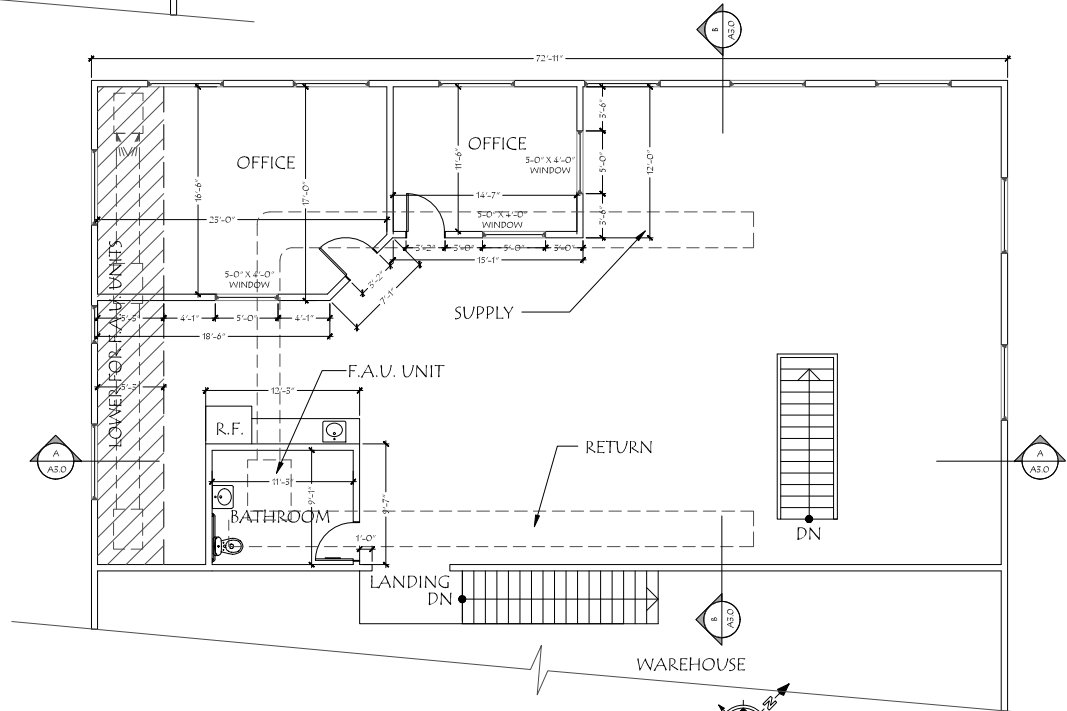


PARTITIONS NEEDED
L SHAPED PARTITION WITH DOOR
PRIVACY PARTITION FOR URINAL
PROJECT ADDRESS:
909 MISSION ROCK ROAD, SANTA PAULA, CA 95060

FIRST FLOOR PLAN



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



SECOND FLOOR PLAN



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

Finnigan 909 Industrial Project

CONDITIONAL USE PERMIT PL20-0132

Conditions of Approval

The following conditions of approval supersede and replace all conditions imposed with the permits previously granted to authorize uses on the project site, including the “umbrella” conditions imposed on all discretionary projects located within the Mission Rock Road Community.

Resource Management Agency Conditions

Planning Division

1. Project Description (Permitted Land Uses):

The proposed project is comprised of the continued operation of existing permitted industrial uses on the subject property for an additional 20-year period ending on August 30, 2040. These uses include:

- A.** Operation of a salvage yard, including automobile wrecking yard, and the ancillary retail sales of salvaged materials (collectively, “Auto Recycling and Salvaged Auto Part Sales Facility”). The following activities are authorized as part of this facility:
- The use of the land as an automobile and truck dismantling yard, general scrap metal recycling operation (predominately vehicle scrap metal) and auto refurbishing.
 - Wholesale and retail sales of salvaged automobile parts of vehicles.
 - Auto auctions to licensed dealers only. These auctions shall occur, no more than once a week during day light hours. Parking of vehicles shall not exceed the amount of available parking spaces on the site.
 - The storage, loading, and unloading of vehicles and scrap metal materials within the boundaries of the permit area.
 - The use of portable pneumatic compaction equipment.

County of Ventura
Planning Director Hearing
Case No PL20-0132
Exhibit 4 - Conditions of Approval

- B.** The use of an existing 10,500 square foot warehouse building with interior offices (Building H). The offices are to be used for the onsite Auto Recycling and Salvaged Auto Parts Sales Facility.
- C.** The Santa Paula Water Works will continue to provide water service to the project site. The existing building is connected to an existing on-site septic system that will continue to provide for sewage disposal.

The following plans constitute the approved plans for the project site:

<u>Permit Action</u>	<u>Date of Approval</u>	<u>Plan Reference</u>
CUP No. LU10-0065	1-6-2012	SP-1(Signage Plans)
CUP No. LU10-0065	1-9-2012	A-1(Directory Sign, Detail "A")
CUP No. LU10-0065	1-9-2012	LP-1 (As Built Landscape Plan) and attached photos
CUP Case No. PL20-0132	TBD	Site Plan Sheets A1.0 and A2.0 dated November 6, 2020. (Condition of Approval No. 61)

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the conditions of approval below

2. 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 be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:

- Public reporting of violations to the Planning Commission and/or Board of Supervisors;
- Suspension of the permitted land uses (Condition No. 1);
- Modification of the CUP conditions listed herein;
- Recordation of a “Notice of Noncompliance” with the deed to the subject property;
- The imposition of administrative civil penalties; and/or
- Revocation of this CUP.

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and the rules and regulations of all jurisdictions having authority over the uses described herein.

3. Time Limits:

a. Use Inauguration:

- (1) The decision on this CUP becomes effective upon the expiration of the appeal period, or when any appeals filed regarding the decision on this CUP are resolved. After the decision on this CUP becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to effectuate this permit and inaugurate the uses specified in Condition of Approval No. 1.
- (2) This CUP shall expire and become null and void if a Zoning Clearance for Use Inauguration has not been issued within one year the decision becomes effective. The Planning Director may extend the deadline to obtain a Use Inauguration Zoning Clearance by up to one year if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one-year expiration date.
- (3) Prior to the issuance of a Zoning Clearance for Use Inauguration, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid in full. After issuance of a Zoning Clearance for Use Inauguration, any final processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.

b. Operations Period: The term of this CUP will expire on **TBD**. Failure of the County to provide additional notification to the Permittee of the expiration date shall not constitute grounds for continuance of the uses authorized by this CUP after the expiration date. The Planning Director may extend the effective term of this CUP provided that:

- (1) The Permittee files an application for a modification of this CUP that is deemed complete prior to the CUP expiration date. While this application is processed by the County, this CUP will continue in force and effect until a final action is taken on the application by the County decision-makers.
- (2) The Permittee can demonstrate that the authorized facilities will continue to operate in compliance with the terms and conditions of this CUP.

- (3) The Permittee can demonstrate that the authorized uses remain compatible with the land uses in the general area.
- (4) The Permittee can demonstrate that the required findings of approval specified in the Ventura County Ordinance Code in effect at the time the application is considered can be made by the County decision-makers.

4. CUP Modification:

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or applicable exhibits, the Permittee shall contact the Planning Director to determine if the activity requires a modification of this CUP. The Planning Director may, at the Planning Director's discretion, require that the Permittee file a written and/or mapped description of the proposed activity prior to rendering a decision on whether a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

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

5. Consolidation of All Approved Exhibits, Conditions, and Permits:

Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall provide the following in a form approved by the Planning Director:

- a. Documentation to verify that all of the actions required to be taken by the Permittee prior to the issuance of the Zoning Clearance for Use Inauguration have been completed; and,
- b. Documentation to verify that all other entitlements and conditions imposed by any other agencies have been obtained or satisfied.

Within 30 days of any subsequent modifications of a permit or submission of an application for any permit, the applicable materials in revised form shall be submitted to the Planning Director.

6. Notice of CUP Requirements and Retention of Conditions On-Site:

Unless otherwise required by the Planning Director, the Owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. A current set of CUP conditions and exhibits shall be retained at the site; the CUP conditions and exhibits shall be provided on-site prior to issuance of a Use Inauguration Zoning Clearance and shall be maintained on-site until expiration of this CUP.

7. Recorded “Notice of Land Use Entitlement:

Prior to the issuance of a Use Inauguration Zoning Clearance, and in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8111-8.3), the Permittee and property owner of record 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, for each legal parcel within the project site. The “Notice of Land Use Entitlement” is to inform the present and future owners of the property on which the CUP site is located that: the affected real property has been granted a CUP which contains certain conditions for the operation and maintenance of the property; and, the purchaser of the real property should be aware of those conditions. The Permittee shall submit a copy of the recorded “Notice of Land Use Entitlement” to the Planning Division to be filed with, and made part of, the case file.

8. Condition Compliance, Enforcement, and Other Responsibilities:

- a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by establishing a revolving compliance account as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:
 - (1) Condition Compliance, which is defined herein to include, but is not limited to, the staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
 - (2) Monitoring and enforcement costs, and any related fines or penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below).
- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director.

- (1) \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by Ventura County agencies to cover costs incurred by Ventura County for Condition Compliance review, monitoring and enforcement costs (Condition 8.a, above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below). The amount of this deposit may be modified by mutual agreement between the Permittee and the Planning Director; and
 - (2) A signed reimbursement agreement subject to the Permittee's right to challenge any charges, which obligates the Permittee to pay any Condition Compliance review, monitoring and enforcement costs (Condition 8.a, above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended.
- c. Monitoring and Enforcement Costs: The *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4) requires the Permittee, or the Permittee's successors-in-interest, to bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said fees and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4), as it may be amended.
- d. Billing Process: The Permittee shall pay any written requests to replenish the deposit made by the Planning Director or designee within 30 days of receipt of the request. If requested by the Permittee, requests for payment shall be accompanied by an accounting of how the deposited funds have been spent. Failure to pay the required amount, or to maintain the required deposit, shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or the reasonableness of any charge prior to payment.

9. Defense and Indemnity:

- a. As a condition of approval for the granting of this CUP, including the subsequent granting of any adjustment or modification of this CUP, the Permittee agrees to:

- (1) Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,
 - (2) Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such action. Upon demand from the County, the Permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the Permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- b. Neither the issuance of this CUP nor compliance with the conditions thereof 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 County of Ventura, its officers, or employees for injury or damage to persons or property.
 - c. Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1, as it may be subsequently modified pursuant to the conditions of this CUP.

10. Invalidation of Condition(s):

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors in an action filed in a court of law, or threatened to be filed therein, which action is brought in the time period provided for by the Code of Civil Procedures (§1094.6), or other applicable law, this CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim,

fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. If the Planning Commission 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.

11. Consultant Review of Information and Consultant Work:

The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower 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 for which to be contracted, as well as the costs of such work. Whenever feasible, the lowest bidder will be used. Any decisions made by staff 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, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under contract with the operator.

12. Relationship of CUP Conditions, Laws and Other Permits:

The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended (e.g., County Business License Tax Ordinance), and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where 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, as determined by the Planning Director.

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, or any lawful rules or regulations or orders of an authorized governmental agency. Neither the issuance 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.

A business tax certificate [and regulatory licenses] shall be obtained for operation of the automotive salvage and dismantling yard.

13. Regulations on Number of Employees, Truck Deliveries and Days/Hours of Operation:

The operations of the authorized facilities, as specified in Condition of Approval No. 1 above, shall be limited as follows:

Number of Employees: Maximum of 12 employees for Building H.

Truck Delivery Days/Hours: Maximum of one truck delivery per day, Monday – Saturday 8:00 a.m. to 6:00 p.m. (no deliveries on Sunday).

Yard Days/Hours: Open Monday – Saturday 8:00 a.m. to 6:00 p.m. (closed on Sunday).

Office Days/Hours: Open Monday – Saturday 8:00 a.m. to 6:00 p.m. (Closed on Sunday).

14. Contact Person:

Prior to the issuance of a Use Inauguration Zoning Clearance, the Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, phone number, mailing and email addresses, and business and cell phone numbers) of the Permittee's field agent and other representatives who receive all orders, notices, and communications regarding matters of condition and code compliance at the CUP site. There always shall be a contact person designated by the Permittee. If deemed necessary by the Planning Director, one contact person shall be available via telecommunication, 24 hours a day, to respond to complaints by citizens and the County. If the address or phone number of the Permittee's agent should change, or the responsibility is assigned to another person or position, the Permittee shall provide the Planning Director with the new information within three calendar days.

15. Resolution of Complaints:

The following process shall be used to resolve complaints related to the project:

- a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 14 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
- b. If a written complaint is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
- c. If, following a complaint investigation, a violation of the Ventura County Ordinance Code or a condition of this permit is confirmed, enforcement actions pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8114-3 et seq.) will be initiated.

16. Reporting of Major Incidents:

The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area. Upon request of any County agency, the Permittee shall provide a written report of any incident within seven calendar days that shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident.

17. Correspondence from Other Agencies and Jurisdictions:

Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.

18. Change of Ownership:

At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, 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). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:

- (a) Any changes in 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 company officer(s) from the initial notice;

- (b) A letter from 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; and,
- (c) The effective date and time of the transfer.

19. Implementation and Maintenance of Required Mission Rock Road Community Improvements

The Mission Rock Road area property owners created a Property Owners Association (POA) and recorded Codes, Covenants, and Restrictions (CC&Rs) requiring the on-going implementation and maintenance of the following items:

- a. The elimination of traffic related problems, pursuant to the approved "As Built" Road Improvement Plan dated August 20, 1992 (Drawing No. 62462-67);
- b. An effective drainage system which will deter sheet flooding, pursuant to the approved "As Built" Drainage Improvement Plan dated September 29, 1993 (Drawing No. 62408-14, GP8613); and,
- c. Adequate fire protection through the approved Fire Protection System Plans dated May 23, 1986, which include the installation and maintenance of fire hydrants and sufficient fire flow.

The Permittee shall continue to participate throughout the life of this CUP in the continued implementation and maintenance of the items noted above, as required by the POA and its CC&Rs, by providing, upon request, the Planning Director with a letter from the POA acknowledging payment of the required dues of the Permittee and showing the Permittee is in good standing with the POA and its CC&Rs.

This condition of approval is imposed in order to implement mitigation measures that were identified in the Mitigated Negative Declaration (1990, Section III, Environmental Impacts and Mitigation Measures, B. Implementation and Enforcement), which was adopted for projects within the Mission Rock Road Community.

20. Site Maintenance:

The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Zoning Clearance for Use Inauguration. Only equipment, materials, and structures which are in conformance with Condition No. 1, or are authorized by any subsequent amendments of this CUP, shall be stored on the

property during the life of this CUP. In addition, the authorized facilities shall be operated in conformance with the following regulations:

- No materials within the permit area may be piled or stored to a height greater than that of the perimeter fence, unless such materials are enclosed within a permitted building.
- Only materials and equipment ancillary to the authorized uses shall be stored within the area that is subject to this CUP.
- All outside storage shall be fenced for security and public safety at the property line pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.4.2).
- Restrooms shall be open and available for those employed at the Automobile Dismantling Yard.
- A regularly serviced portable toilet shall be available for use by the employees of the authorized automobile storage facility.
- In accordance with the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.1.1) all new utility lines, including electric, communications, street lighting and cable television, shall be placed underground by the Permittee, who shall make the necessary arrangements with the utility companies for the installation of such facilities.

21. Building Color/Material Specifications:

Pursuant to the requirements of the *Ventura County Non-Coastal Zoning Ordinance* (§8109-3.4.1) metal buildings, including accessory buildings, shall:

- have exterior surfaces constructed or faced with a stainless steel, aluminum, painted, baked enamel, or similarly finished surface;
- be reasonably screened from view from any street by other buildings or by appropriate walls, fencing, earth mounds or landscaping; or,
- be located at least 100 feet from the street centerline.

22. Specific Industrial Zone Standards:

Pursuant to Article 9 of the *Ventura County Non-Coastal Zoning Ordinance*, the Permittee shall maintain and operate the authorized facilities in conformance with the following requirements. In addition to ordinance compliance, these requirements

implement mitigation measures identified in the original 1990 MND and designed to reduce the concentration of pollutants discharged into the Santa Clara River.

Objectionable Factors: The following shall be maintained at levels which are appropriate for the zone and geographic area and are not objectionable at the point of measurement, as determined by the Planning Director, when the authorized uses are in normal operation:

- Smoke, odors, vapors, gases, acids, fumes, dust, dirt, fly ash, or other forms of air pollution;
- Noise, vibration, pulsations, or similar phenomena;
- Glare or heat; and,
- Radioactivity or electrical disturbance.

The point of measurement for these factors shall be at the lot or ownership line surrounding the use.

Hazardous Materials: Land or buildings shall not be used or occupied in any manner so as to create any fire, explosive or other hazard. All activities involving the use or storage of combustible, explosive, caustic or otherwise hazardous materials shall comply with all applicable local and national safety standards and shall be provided with adequate safety devices against the hazard of fire and explosion, and adequate fire-fighting and fire suppression equipment in compliance with Ventura County Fire Protection District's Regulations. The burning of waste materials in open fires without written approval of the Ventura County Fire Protection District is prohibited.

Liquid and Solid Wastes: Liquid or solid wastes discharged from the premises shall be properly treated prior to discharge so as not to contaminate or pollute any watercourse or groundwater supply or interfere with bacterial processes in sewage treatment. The disposal or dumping of solid wastes, such as slag, paper, and fiber wastes, or other industrial wastes shall not be permitted on any premises.

Exceptions: *Exceptions to these regulations may be made during brief periods for reasonable cause, such as breakdown or overhaul of equipment, modification or cleaning of equipment, or other similar reason, when it is evident that such cause was not reasonably preventable, as determined by the Planning Director. These regulations shall not apply to the operation of motor vehicles or other transportation equipment unless otherwise specified.*

23. Parking Regulations:

In accordance with Article 8 of the *Ventura County Non-Coastal Zoning Ordinance*, the Permittee shall ensure that required parking and loading areas are permanently maintained in good condition as determined by the Planning Director and in conformance with the approved site plan (Condition of Approval No. 59). Public and

employee parking areas shall be designed and maintained at all times for safe, convenient, and easy use by vehicles and pedestrians, and in conformance with the following provisions:

- Accessible parking for disabled persons shall be provided in compliance with the California Building Standards Code (California Code of Regulations, Title 24) and the Americans with Disabilities Act.
- Parking spaces within parking areas shall be clearly marked with paint striping or another durable, easily distinguishable marking material. Space markings shall be maintained in good condition.
- Required parking spaces shall not be converted to other uses or used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, waste containers, merchandise, equipment, or any other use not authorized by the provisions of Article 8 of the *Ventura County Non-Coastal Zoning Ordinance*.
- The surface of all required uncovered off-street motor vehicle parking spaces, aisles, driveways, and loading areas shall be constructed and maintained with permanent all-weather, load-bearing pervious or impervious surfacing material sufficient to prevent mud, dust, loose material, and other nuisances.
- Industrial parking areas with materials loading spaces shall be designed to accommodate access and circulation movement for on-site truck circulation in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (§8108-8.2.3). Loading spaces shall be located on-site, outside of any required front or side setback, near the service entrance(s) to the building(s), and either to the rear or side of the building to alleviate unsightly appearances often created by loading facilities.
- All lights in parking areas shall comply with the *Ventura County Non-Coastal Zoning Ordinance* (§8108-5.12), and shall be extinguished at the end of the working day. Lights may be turned on no sooner than one hour before the commencement of working hours.

24. Landscape Plan:

The approved landscape and planting plan dated July 7, 2010, prepared by Larry Graves, Architect, in accordance with the Ventura County *Guidelines for Landscape Plan Check and Landscape Design Criteria – Ventura County* (Resource Management Agency, October 1992), shall be installed according to the plan, and inspected and approved prior to the issuance of a Zoning Clearance for Use Inauguration. The installation of plants and/or trees shall be located in the new parking lot area adjacent to the approved warehouse, Building H. At a minimum, 10% of the parking area shall be landscaped and

5% of the project site shall be landscaped. Any future landscaping of the industrial site shall be in conformance with any adopted Ventura County Landscape Design Guidelines and the standards set forth in the *Ventura County Non-Coastal Zoning Ordinance* (§8109-0.6.4).

The Permittee shall continue to maintain the approved landscaping plan for the project site and shall be subject to periodic inspection by the Ventura County Planning Division. The Permittee is required to remedy any defects in landscape maintenance, as indicated by the County inspector, within two weeks of written notification of such defect. The Permittee shall bear the full cost of the County's landscape maintenance inspection and review.

Note: The required landscaping has been installed by the Permittee. This landscaping is required to be maintained in accordance with the approved landscaping plan.

25. Sign Regulations and Plan:

Prior to the issuance of the Zoning Clearance for Use Inauguration, all signs that are not currently in conformance with Chapter 1, Article 10 of the *Ventura County Non-Coastal Zoning Ordinance* shall be removed.

Two copies of a Sign Plan shall be submitted to the Planning Division for review and approval by the Planning Director for any proposed signs. The Sign Plan shall be designed in conformance with Chapter 1, Article 10 of the Ventura County Ordinance Code. 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, inspected and approved by the Planning Division prior to issuance of the Zoning Clearance for Use Inauguration.

In addition, the following signage must be maintained on-site for the life of the permit:

- a. The entrance to the project site shall be posted with a sign providing information on the permitted hours of operation, including telephone numbers for the Contact Person. (See Condition 14 – Contact Person.)
- b. In the event of a rain storm, the Permittee shall post a sign indicating that the facility shall be closed to the public during the occurrence of standing water (measured at the centerline of Mission Rock Road) of two inches or greater until such time as the water has receded.

Note: The sign plan for the site (dated December 11, 2011) and the directory sign plans (dated November 21, 2011) prepared by Turner Design were approved by the County in 2012 and remain in effect.

26. Minimizing Nuisance Impacts and Setbacks from Agricultural Uses:

The Permittee shall take whatever reasonable steps are necessary, as determined by the Planning Director, to prevent significant nuisance impacts from occurring outside the CUP area. Significant nuisance impacts include, but are not limited to, noise, dust, odors, lighting, and glare. In order to determine the significance of the nuisance, the Planning Director may consider the number and types of neighbor complaints, and conduct inspections of the site and surrounding areas. Any questions about what constitutes significant off-site nuisance levels shall be resolved by the Planning Director or other public agency (e.g., the Air Pollution Control District) as the Planning Director may designate.

Environmental Health Division

27. Hazardous Materials:

The storage, handling, and disposal of any potentially hazardous material shall be accomplished in conformance with applicable state regulations. Prior to any hazardous material/waste being brought to the site, the Permittee shall contact the Hazardous Materials section of the Environmental Health Division to obtain all necessary permits.

28. Septic Effluent Disposal Limitation:

Only domestic waste as defined in the County Building Code Ordinance shall be discharged into the on-site sewage disposal system.

29. Disposal Field Maintenance:

The septic effluent disposal fields shall be maintained in a natural state. Driveways or impervious materials shall be placed over the leach fields.

30. Recyclable Material Storage:

Inert recyclable material (scrap metal) received shall be stored on-site for a maximum of 6 months. Processed recyclable material shall be stored on-site for a maximum of 18 months. Storage of these materials beyond the maximum time specified would require a permit through the Local Enforcement Agency of the Environmental Health Division and the Planning Division.

Public Works Agency (PWA) Conditions

Transportation Department, Traffic, Advance Planning, and Permits Division

Note: Traffic Impact Mitigation Fees were collected for the uses and facilities authorized by this permit at the time CUP LU10-0065 was granted in 2010. No new traffic-generating uses are authorized by this permit. Thus, no additional traffic fees are required at this time.

Integrated Waste Management Division

31. Waste Diversion & Recycling Requirement:

Per Ventura County Ordinance 4308, commercial customers are required to divert recyclable materials (e.g., paper, cardboard, tires, metal, wood, concrete, greenwaste, and soil) from local landfills through recycling, reuse, or salvage. Review Ordinance 4308 at: www.wasteless.org/landfills/ordinances.

32. Collection and Loading Areas for Refuse and Recyclables:

This project is subject to the County's *Space Allocation Guidelines*. These guidelines outline the requirements for collection and loading areas for refuse and recyclables referenced in Public Resources Code 42900-42901, the Solid Waste Reuse and Recycling Access Act of 1991. The *Space Allocation Guidelines* may be reviewed at: www.wasteless.org/spaceallocationguidelines. Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition.

33. Private Passenger & Commercial Vehicles/Equipment - Used Oil Recycling:

The Permittee must comply with all local, state, and federal hazardous waste regulations, and arrange for the collection and recycling of discarded recyclable materials (e.g., used motor oil, used oil filters, batteries, and antifreeze) removed from private passenger, and commercial vehicles and equipment stored, maintained, and/or repaired onsite during the operational phase of this project. Contact the IWMD, at (805) 658-4321, for assistance in meeting this condition.

Watershed Protection District (WPD) Conditions

The following WPD conditions will satisfy the mitigation measures identified in the original MIND designed to reduce impacts of concentrations of pollutants from discharge into the Santa Clara River outfall as a result of flood channelization. Monitoring of the mitigation measures shall consist of annual inspections, responding to complaints, and the issuance

of, and compliance with, the required WPD permits. The Ventura County Planning Division will verify that the Permittee has obtained the required WPD permits and will ensure compliance with Conditions Nos. 35 through 42, through inspection and monitoring activities conducted pursuant to Condition No. 8 and the Ventura County Non-Coastal Zoning Ordinance (Section 8114-3.5).

Groundwater Section

34. Containment Area for Liquid Removal:

The project site shall continue to maintain a containment area which consists of a covered (roof or canopy), concrete pad with berm designed to prevent runoff and to collect all spilled liquids into a sump for legal disposal offsite for the life of the Permit. The concrete shall be underlain by a cemented and lapped 80-mil HDPE liner turned up on the edges to prevent leakage. The installation of any new containment areas shall be submitted with detailed plans (i.e. site plan, plan view, and elevation views) of each containment area to the Watershed Protection District (WPD) for review and approval.

35. Containment Area for Liquid Waste and Petroleum Products:

All waste liquid and petroleum products located at the project site shall continue to be stored in proper containers and stored only in pre-approved or designated containment areas for the life of the Permit. If waste products will be stored in an alternate temporary location, the Permittee shall provide detailed plans of impermeable area with the same construction as containment areas and shall submit information to the WPD for review and approval.

36. Batteries, Liquids and Petroleum Removal:

All vehicles shall continue to have their batteries, liquids and petroleum products removed prior to being stored in the project area for the life of the Permit. Under no circumstance will vehicles with liquids and petroleum products be allowed to be stored in the project area.

37. Battery Storage Area:

All removed batteries shall continue to be stored in a suitable storage area on the project site for the life of the Permit. WPD shall review and approve a site plan showing where specifically these batteries will be stored, an estimate of the maximum amount of accumulated batteries at any one time and information on the planned frequency for legal disposal offsite.

38. Containment Area for Hazardous Materials:

All hazardous materials and chemicals shall continue to be stored in a building properly designated and equipped for the safe storage of the hazardous materials and chemicals for the life of the permit. WPD shall review and approve the location of all hazardous materials and chemicals.

Water Quality Section

39. NPDES Permit

Prior to the issuance of a Zoning Clearance for Use Inauguration of this permit, and by July 1st of each year, the Permittee shall submit a Notice of Intent (NOI) for the NPDES General Industrial Permit to the Ventura County Watershed Protection District Surface Water Quality Section, and a copy of the Annual Report required by the NPDES Permit.

Note: This is an ongoing requirement that has been satisfied by the applicant since 2011.

Permit Section

40. Watercourse Permit:

A Watercourse Permit is required for any work in, on, over, under, and across the bed, banks, and overflow area of Cummings Road Drain.

Floodplain Management Section

41. Floodplain Development Permit:

Prior to the issuance of a Building Permit and/or a Grading Permit, the Permittee shall obtain a Floodplain Development Permit from the Public Works Agency for any development or redevelopment proposed within the 1% annual chance floodplain.

Note: The Permittee obtained a Floodplain Development Permit when the onsite building and other existing facilities were constructed.

Air Pollution Control District (APCD) Conditions

42. APCD Rules

All project construction and site preparation operations shall comply with all applicable VCAPCD Rules and Regulations which include but is not limited to Rule 10 (Permits Required), Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Ventura County Fire Protection District (VCFPD) Conditions

43. Address Numbers:

Purpose: To ensure proper premise identification to expedite emergency response.

Requirement: The Permittee shall install 10-inch tall address numbers.

Documentation: Provide documentation that identifies the installation of address numbers at this location.

Timing: The Permittee shall submit an address plan to the Fire Prevention Bureau for approval before use of the storage yard.

Monitoring and Reporting: A copy of the approved address shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans.

Note: This condition has been satisfied by the Permittee.

44. Access Driveway Design, Auto Salvage Yards:

Access driveways (aisles) shall be designed in conformance with the following based upon the number of stacked layers of auto storage within the yard:

Single Layer Storage or Crushed Storage up to 8 feet:

- Maximum pile size shall not exceed 150,000 square feet of area.
- Maximum travel distance within each pile to a minimum 20 foot wide main aisle shall not exceed 150 feet.
- Piles shall be separated by main aisles or a minimum 15 foot wide cross-aisle based upon pile size and travel distance.

Main aisles shall be constructed to an All-Weather Surface as approved by the VCFPD.

45. Turnarounds

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall provide an approved turnaround area for fire apparatus where dead-end Fire Department access roads / driveways exceed 150 feet. Required turnaround areas shall be designed such:

- a. Does not exceed a 5% cross-slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway

c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.

d. Kept free of obstructions at all times.

Documentation: A stamped copy of the approved access plan.

Documentation: The Permittee shall submit access plans for review and approval by the VCFPD. The plans shall indicate all access road/driveway locations and proposed turnaround location and design.

Timing: The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. All required turnarounds shall be installed before the start of combustible construction.

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

46. On-site Driveways Widths with One-Way Traffic: Multi-Family, Commercial or Industrial

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall provide a minimum paved driveway width of 20 feet. Parking shall be prohibited on the required width of the driveway.

Documentation: The Permittee shall submit access plans for review and approval by the VCFPD.

Timing: The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before any materials are brought onto the site.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the access for the life of the development.

47. Turning Radius

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall provide a minimum 40 foot inside turning radius at all turns along the access roads/driveways.

Documentation: The Permittee shall submit access plans for review and approval by the VCFPD.

Timing: The Permittee shall submit an access plan to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before the start of combustible construction.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the access for the life of the development.

48. 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: The Permittee shall provide a letter to the VCFPD to agree with the above requirements.

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. (VCFPD-60)

49. Fire Lanes:

Fire lanes shall be posted "NO PARKING-FIRE LANE-TOW AWAY" in accordance with

the California Vehicle Code, the International Fire Code and current VCFPD Fire Lane Standards. All signs and or Fire Lane markings shall be within recorded access easements.

50. Vertical Clearance:

All access roads/driveways shall have a minimum vertical clearance of 13 feet 6 inches.

51. Access Road Gates

Purpose: To ensure that adequate fire department access is provided in conformance with current California State Law and Ventura County Fire Protection District Standards.

Requirement: The Permittee shall design and install all gates along required fire access roads / driveways consistent with Fire Protection District Standards.

Documentation: The Permittee shall submit access road gate plans for review and approval by the VCFPD.

Timing: The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.

Monitoring and Reporting: A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the gates for the life of the development.

52. Cargo Containers:

Any and all cargo containers without a building permit shall be in compliance with the VCFPD, Fire Prevention Bureau Administrative Ruling 12.8 for Sea Cargo/Metal Containers and Ventura County Building and Safety, Policies and Interpretations Policy No. 1996-B001, Sea Cargo Containers Policy Revised 9-26-08. If not in compliance with these policies, then the cargo containers shall be regulated as new structures and be conditioned for all fire access, fire water and automatic fire sprinkler system in accordance with current VCFPD Ordinance prior to obtaining the required building permit. The Permittee shall obtain VCFPD Form #126 "Requirements for Construction" prior to obtaining a building permit to legalize office and storage containers not in compliance with the policies mentioned above.

53. Tire Storage:

Tire storage shall be in accordance with the Fire Code as currently adopted and amended.

54. Outside Storage of Combustible Materials:

Outside storage of combustible materials shall not be located within 10 feet of a property line, shall not be stored beneath a building or structure, and shall not exceed 20 feet in height when stored in the open.

55. Trash Dumpster Locations:

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 openings, combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.

56. Fire Extinguishers:

Fire extinguishers shall be installed in accordance with the International Fire Code. The placement of extinguishers shall be subject to review by the VCFPD.

57. Fire Code Permits

Purpose: In order to minimize fire hazards, the project shall be constructed in conformance with the requirements of the Ventura County Fire Code.

Requirement: The Permittee and/or tenant shall obtain all applicable Fire Code permits.

Documentation: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for review and approval.

Timing: Prior to final occupancy clearance, installation or use of any required item or system, the Permittee must obtain approval of all necessary Fire Code permits.

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 his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD-53)

58. Fire Department Clearance

Purpose: To inform the Permittee of all fire department requirements applicable to the proposed project.

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

Documentation: The Permittee shall submit to the VCFPD a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

Timing: Prior to the issuance of building permits, the submitted VCFPD Form #126 Application must be approved by the Fire Prevention Bureau.

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

Ventura County Sheriff's Department Conditions

59. Security Lighting:

The Permittee shall provide adequate security lighting (e.g., parking lots to be well lighted with a minimum 1 foot candle of light at ground level, lighting devices to be protected from the elements and constructed of vandal resistant materials and located high enough to discourage anyone on the ground from tampering with them).

60. Landscaping Limitations:

The Permittee shall avoid installing landscaping which interferes with police surveillance (e.g., landscaping must not cover any exterior door or window, landscaping at entrances and exits or at any parking lot intersection must not block or screen the view of a seated driver from another moving vehicle or pedestrian, and trees must not be placed underneath any overhead light fixture which would cause a loss of light at ground level).