



Planning Director Staff Report – Hearing on July 2, 2013

County of Ventura • Resource Management Agency • Planning Division

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

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Major Modification to Planned Development Permit (PD) LU08-0064 for a new 5,096 square foot detached residential accessory structure (Case No. PL13-0006).
2. **Applicant:** Bob Bombardier, 31300 Via Colinas, Westlake Village, CA 91362.
3. **Property Owner:** Hugh Cassar, 1750 Hidden Valley Road, Hidden Valley, CA 91361.
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8105-4 and § 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested Major Modification to PD Permit LU08-0064.
6. **Project Site Size, Location, and Parcel Number:** The 33.35 acre parcel is located at 1750 Hidden Valley Road, approximately one mile south of the intersection of Hidden Valley Road and Potrero Road, in the community of Hidden Valley near the city of Thousand Oaks, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 694-0-140-055 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Open Space (Exhibit 2).
 - b. Lake Sherwood/Hidden Valley Area Plan Land Use Map Designation: OS 20 (Open Space 20-40 acre minimum lot size) (Exhibit 2).
 - c. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40 acre minimum lot size) (Exhibit 2).
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

| Table 1: Adjacent Land Uses/Development | | |
|--|--|---|
| Location in Relation to the Project Site | Zoning | Land Uses/Development |
| North | OS-20 ac (Open Space, 20 acre minimum lot size) OS-40 ac (Open Space, 40 acre minimum lot size) | Rural equestrian and agricultural development |

| Table 1: Adjacent Land Uses/Development | | |
|--|--|---|
| Location in Relation to the Project Site | Zoning | Land Uses/Development |
| | AE-40 ac | |
| East | OS-40 ac | Rural equestrian and agricultural development |
| South | OS-160 ac (160 acre minimum parcel size) | Recreational open space (National Park Service) |
| West | AE-40 ac | Rural equestrian and agricultural development |

9. **History:** All existing development on the parcel is permitted. The property has historically been used for the raising and breeding of horses, and has been under a Land Conservation Contract (73-1.8) since 1973. The following discretionary permits have been issued on the property:

Conditional Use Permit (CUP) 4231. Approved by the Planning Commission in 1984 for seven farm worker living quarters. CUP 4231 was modified twice as follows:

- CUP 4231 Mod 1: Approved in July of 1996, for a 10-year time extension.
- CUP 4231 Mod 2: Approved in September 2003, for a new 3,263 square foot detached residential garage and 2,270 square foot detached residential pool enclosure.

CUP 4231, and the two subsequent modifications, expired in 2006.

CUP LU08-0030. Approved by the Planning Director in February of 2009. CUP LU08-0030 allows the continued use of the seven existing farmworker dwellings permitted under CUP 4231, a new 749 square foot addition to the manager's farm worker dwelling, and 7,908 square feet of existing agricultural buildings that exceed the 20,000 square feet of cumulative accessory agricultural development allowed with a ministerial permit.

PD LU08-0064. Also approved by the Planning Director in February of 2009. PD LU08-0064 legalized existing residential accessory development over 2,000 square feet (Ventura County NZCO § 8105-4), including a 2,270 square foot pool enclosure and 3,263 square foot detached garage, permitted under the expired CUP 4231.

Tree and Film Permit. Pruning, removal, trenching, excavation, or other encroachment into the protected zone of trees were authorized by AD08-0079 (2008), AD08-0050 (2008), AD08-0047 (2008), AD04-0254 (2004), AD 645A, AD599A, and AD405A. Two permits for filming were authorized under Zoning Clearance (ZC) 49440 (1989) and ZC 67677 (1991).

The site is developed with the following permitted structures:

| Table 2: Inventory of Structures | | |
|---|----------------|---|
| Agricultural Structures <i>All agricultural structures included under CUP LU08-0030 (2009)</i> | | |
| Description | Size (sq. ft.) | Permit History ^a |
| Manager's house | 1,771 | CUP 4231 (1984), expired (2006) |
| Manager's Garage | 270 | Constructed in 1935 |
| Groom's cottage | 1,244 | Expired CUP 4231, ZC 92461 |
| Bunk house | 1,280 | Expired CUP 4231 |
| Hay barn | 224 | C01-00151 (2002) ^b |
| Stallion barn | 1,809 | C01-00151 |
| Small stable | 648 | Built in 1948 |
| Mare stable | 1,662 | Built in 1963 |
| Breeding barn | 6,768 | ZC 40213 (1983) |
| Main barn | 21,984 | ZC 40213 |
| Equipment and hay barn | 900 | ZC 41689 (1984) |
| Hay and storage barn | 1,584 | ZC 41689 |
| Pipe barn | 9,360 | ZC 40213 (1983) |
| <i>Existing agricultural structures</i> | <i>49,504</i> | |
| Residential Structures | | |
| Description | Size (sq. ft.) | Permit History |
| Main house | 11,749 | Built 1932, prior to building and planning permit requirements (enacted in 1947) ZC 16847 Addition ZC 34644 Addition (1979) ZC 70351 Remodel (1992) ZC 70837 Patio cover (1992) ZC EC-94 Addition (1993) ZC 81121 Addition (2000) ZC 08-0745 Wall (2008) |
| Pool enclosure | 2,270 | CUP 4231 Mod 2/ZC 96213, expired (2006) PD LU08-0064/ZC09-0922 (2009) |
| Garage | 3,263 | CUP 4231 Mod 2/ZC 96213 (2003), expired (2006) PD LU08-0064/ZC09-0922 (2009) |
| Tennis Court | 0 | Built in 1979 |
| <i>Existing residential structures</i> | <i>17,282</i> | |
| Summary | | |
| Existing structures | 66,786 | |
| Proposed garage | 5,095 | PD LU08-0064 Mod 1 |
| Proposed total | 71,881 | |

^a A Zoning Clearances (ZC) is required for the construction of a ministerial approved project, or to effectuate an approved discretionary Planned Development (PD) or Conditional Use Permit (CUP). The year of construction was determined using Assessor's Office records.

^b C01-00151 is a building permit.

10. Project Description: The applicant requests that a Major Modification to PD Permit LU08-0064 be granted to construct an approximately 5,096 square foot detached, non-habitable structure (garage) that is accessory to the residential use of the subject property. The garage would be approximately 20 feet tall (average height at midpoint) and constructed over an existing tennis court, so no grading or vegetation removal is required to prepare the site for the proposed development.

No protected trees would be removed as a result of the proposed development; however, the placement of utility trenches and foundation footings would encroach into the protected zone of 11 oak trees.

Section 8105-4 of the NCZO requires a Planning Director-approved PD Permit for non-habitable residential accessory structures over 2,000 square feet. PD Permit LU08-0064 legalized a 2,270 square foot pool enclosure and a 3,263 square foot detached garage, originally approved and constructed under expired permit CUP 4231 Mod 2. The request would modify PD Permit LU08-0064 to allow the demolition of the tennis court and construction of a 5,096 square foot garage. The request would not affect existing residential accessory development permitted under PD Permit LU08-0064 (i.e., existing pool enclosure and detached garage).

Two existing on-site wells will continue to provide water, and an existing on-site waste disposal system will continue to provide sewage disposal for the residential use of the property. An existing 12-foot wide private driveway connected to Hidden Valley Road will continue to provide access to the project site.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

Pursuant to CEQA (Public Resources Code § 21000 et seq.) and the 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. The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be Categorical Exempt from the requirement for the preparation of environmental impact documents.

More specifically, the CEQA Guidelines (§ 15303(e), Accessory Structures) state that projects that involve “Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences” are exempt from environmental review. The proposed project consists of the construction and use of a garage in the footprint of an existing tennis court. The proposed project does not involve a change in use, or an expansion of the existing residential use of the property (e.g., the construction and use of an additional dwelling unit). Therefore, the project is Categorical Exempt pursuant to Section 15303(e) (Accessory Structures) of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (2011, page 4) states:

...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.

The project site is located within the area that is subject to the *Lake Sherwood/Hidden Valley Area Plan* (LSHVAP) (Last Amended April 6, 2010).

Furthermore, the Ventura County NCZO (§ 8111-1.2.1.1.a) states that in order to be approved, a PD must be found consistent with all applicable policies of the Ventura County General Plan.

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

- 1. Resources Policy 1.1.2-1:** *All General Plan amendments, zone changes and discretionary development shall be evaluated for their individual and cumulative impacts on resources in compliance with the California Environmental Quality Act.*

As discussed in Section B (above), the project is exempt from CEQA and will not result in any significant individual or cumulative impacts on resources.

Based on the discussion above, the proposed project is consistent with Policy 1.1.2-1.

- 2. Resources Policy 1.3.2-4:** *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

Public Facilities and Services Policy 4.3.2-1: *Development that requires potable water shall be provided a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water regulations. Water systems operated by or receiving water from Casitas Municipal Water District, the Calleguas Municipal Water District or the United Water Conservation District will be considered permanent supplies unless an Urban Water Management Plan (prepared pursuant to Part 2.6 of Division 6 of the Water Code) or a water supply and demand assessment (prepared pursuant to Part 2.10 of Division 6 of the Water Code) demonstrates that there is insufficient water supply to serve cumulative development within the district's service area. When the proposed water supply is to be drawn exclusively from wells in areas where groundwater supplies have been determined by the Environmental Health Division or the Public Works Agency to be questionable or inadequate, the developer shall be required to demonstrate the availability of a permanent potable water supply for the life of the project.*

Two, existing private on-site wells approved by the Environmental Health Division as adequate supplies for the project, will continue to provide water for the residential use of the property. The project will be subject to the California Building Standards Code (Title 24) that requires new construction to be fitted with

water conserving plumbing fixtures. Additionally, no significant increase in the annual groundwater usage is anticipated for the use of a half bathroom and wet bar in the proposed garage. Furthermore, the proposed project does not involve any ground disturbance activities that have the potential to degrade the quality of surface water runoff. The proposed garage will be located within an area that is currently developed with a tennis court, and will not substantially alter drainage patterns either on- or off-site. Therefore, the project site has a permanent potable water supply of adequate quantity and quality that complies with applicable County and State water regulations.

Based on the discussion above, the proposed project is consistent with Policies 1.3.2-4 and 4.3.2-1.

3. **LSHVAP Policy 4.2-1:** *All discretionary development shall include provisions for water conservation techniques and the use of drought resistant native plants wherever possible.*

No new landscaping is proposed or required, and existing landscape is defined by mature oak trees. Consistent with zoning ordinance requirements and the LSHVAP, the applicant will be required (Exhibit 4, Condition Nos. 20 and 21) to preserve and protect existing oak trees, thereby retaining them as landscaping. Since oak trees are drought-tolerant, fire resistant, and native to Ventura County, the existing landscaping will comply with water conservation measures described in the Ventura County Landscape Design Criteria (October 1992).

Based on the discussion above, the proposed project is consistent with Policy and 4.2-1.

4. **Resources Policy 1.5.2-1:** *Discretionary development which could potentially impact biological resources shall be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures.*

The interim Planning Division Staff Biologist evaluated the proposed project to determine if it has the potential to create a significant impact to biological resources. The project is located at the base of the Santa Monica Mountains, which provide habitat for several, unique, rare, or endangered plant and animal species. The California Natural Diversity Database (CNDDDB) identifies the project site as being within a Valley Oak Woodland, a sensitive community and protected pursuant to the California Oak Woodlands Act, Section 21083.4 of the Public Resources Code. The CNDDDB also identifies the federally threatened marcescent dudleya (*Dudleya cymosa* ssp. *marcescens*) plant as having occurred approximately 1,000 feet northeast of the project site, and the locally important thick leafed monardella (*Monardella hypoleuca* ssp. *hypoleuca*) as having occurred on the National Park Service parcel directly to the north. However, the proposed garage will be located within the footprint of an existing tennis court, and therefore would not affect habitat suitable for special status species, species of concern, or communities of concern. Furthermore, the

proposed project will be subject to conditions of approval (Exhibit 4, Condition Nos. 20 and 21) to require the applicant to implement measures during construction activities, in order to protect and preserve existing oak trees that exist within landscaped areas on the subject property. Therefore, the project will not result in potentially significant impacts to biological resources that warrant mitigation measures.

Based on the discussion above, the proposed project is consistent with Policy 1.5.2-1.

5. **Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

LSHVAP Policy 2.5.2-1: *Discretionary development and grading which will significantly obscure or alter public views of the natural ridgelines shall be prohibited.*

LSHVAP Policy 2.5.2-4: *Discretionary development/grading shall be designed as much as practicable to minimize the alteration or degradation of natural scenic topographical features (such as ridgelines, natural slopes, rock outcroppings). The reshaping of the natural terrain to permit access and construction shall be kept to the absolute minimum [...]*

The proposed garage will not be visible from any public viewing location, no grading is required, and the property is not located within a Scenic Resources Protection Overlay Zone. Existing structures and mature oak trees will screen the structure from Hidden Valley Road. The nearest eligible scenic highway and public viewing location that could afford views of the project site is Potrero Road, which is located approximately one mile of the project site. The garage will replace an existing tennis court and will not be visible from Potrero Road.

The garage is not proposed on a ridgeline or associated with any topographic feature, and no grading is required. Furthermore, as discussed in Section C.4 of this staff report (above), the applicant will be required to implement tree protection measures to preserve existing oak trees that screen the project site and contribute to the pastoral, wooded character of Hidden Valley (Exhibit 4, Condition Nos. 20 and 21).

Based on the discussion above, the proposed project is consistent with Policy 1.7.2-1, and LSHVAP Policies 2.5.2-1, and 2.5.2-4.

6. **Resources Policy 1.8.2-1:** *Discretionary developments shall be assessed for potential paleontological and cultural resource impacts, except when exempt*

from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.

LSHVAP Policy 2.2.2-9: *Hidden Valley/Carlisle Canyon:*

Discretionary development shall be conditioned to submit an archaeological literature search and walkover survey by a qualified archaeologist approved by the County. Further testing to determine the significance and boundaries of sites shall be required if determined to be necessary by the archaeologist. Appropriate mitigation of impacts to identified sites, as recommended by the archaeologist and approved by the County, shall be required. Grading shall be monitored within those areas determined by the field survey to be of moderate or higher likelihood to yield buried artifacts. Monitors shall be empowered to halt construction in the immediate vicinity of unburied artifacts until adequate mitigation can be implemented.

The project site is located within an "undetermined" area for paleontological resources. The garage would replace an existing tennis court, and would not result in additional site disturbance or grading. Therefore, a literature search or qualified archaeologist survey is not required for the proposed project. Although subsurface paleontological and archeological resources might exist within the project site, no new construction or ground disturbance activities are proposed that could adversely affect, or prevent access to, subsurface resources.

Based on the discussion above, the proposed project is consistent with Policy 1.8.2-1 and LSHVAP Policy 2.2.2-9.

7. **Hazards Policy 2.1.2-1:** *Applicants for land use and development permits shall provide all necessary information relative to identified hazards that may affect or be affected by their proposed project. Applicants shall also specify how they intend to mitigate identified hazards.*

The applicant provided information on the potential use of hazardous materials in Section III.F.12 of the application for the proposed project. The proposed project does not involve the use of hazardous materials.

Based on the discussion above, the proposed project is consistent with Policy 2.1.2-1.

8. **Hazards Policy 2.13.2-1:** *All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

Hazards Policy 2.13.2-2: *All discretionary permits in fire hazard areas shall be conditioned to include fire-resistant vegetation, cleared firebreaks, or a long-term comprehensive fuel management program as a condition of approval. Fire*

hazard reduction measures shall be incorporated into the design of any project in a fire hazard area.

Public Facilities and Services Policy 4.8.2-1: *Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.*

LSHVAP Policy 3.4.2-1: *Discretionary development permits shall be conditioned to provide adequate water and access for fire fighting purposes as determined by the Fire Protection District.*

LSHVAP Policy 3.4.2-4: *Discretionary development shall provide adequate, direct access for the accommodation of emergency vehicles.*

LSHVAP Policy 3.4.2-5: *Discretionary development shall be required to cooperate with the Fire Protection District in designing and implementing a fuel modification program in the immediate area of residential structures.*

LSHVAP Policy 3.4.2-8: *All roads shall conform to the standards of the Fire Protection District.*

LSHVAP Policy 3.4.2-9: *Adequate access and fire flow improvements shall be completed prior to combustible construction.*

The proposed garage will be located in an area of the property designated within a Very High Fire Hazard Area/Fire Hazard Severity Zone. The Ventura County Fire Protection District (VCFPD) reviewed the proposed project. Pursuant to the VCFPD's recommendations, the proposed project will be subject to conditions of approval to require the applicant to install sprinklers, clear flammable brush and grass within 100 feet,¹ provide adequate roadway vertical clearance, comply with Hazardous Fire Area building code requirements, and maintain 20-foot roadway widths (Exhibit 4, Condition Nos. 23–29). In addition, the proposed project does not require construction of new roadways, and the existing access along Hidden Valley Road and private concrete driveways comply with the VCFPD Access Standards (VCFPD Ordinance number 27, Appendix Chapter O, Sec. 0104).

Furthermore, the Fire Prevention Bureau conducts annual inspections through its Fire Hazard Reduction Program to ensure the Fuel Modification Zones are maintained according to the Fuel Modification Plan.

¹ Single trees, ornamental shrubbery or cultivated ground covers may be permitted provided they are maintained in a manner that they do not readily transmit fire from native vegetation to the structure. "Brush Clearance Guide" Ventura County Fire Protection District, accessed June 10, 2013 <http://fire.countyofventura.org/Prevention/WildfirePreparedness/BrushClearanceGuide/tabid/169/Default.aspx>.

Based on the discussion above, the proposed project as conditioned is consistent with Policies 2.13.2-1 and 2.13.2-2 and LSHVAP Policies 3.4.2-1, 3.4.2-4, 3.4.2-5, 3.4.2-8, and 3.4.2-9.

- 9. Hazards Policy 2.16.2-1:** *All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts [...]*

(5) Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.

LSHVAP Policy 3.3.5-1: *Development proposals shall be subject to the policies and standards of the Noise Section (Section 2.16) of the Goals-Policies-Programs of the Ventura County General Plan. Noise levels for noise-sensitive uses proposed to be located near continuous noise sources, and for noise generators proposed to be located near noise-sensitive uses, shall conform to the specific noise standards of said section.*

The project will include temporary construction activities. To ensure consistency with the above noise policies, the applicant will be required (Exhibit 4, Condition No. 19) to limit noise-generating construction activities to days and times during which residential uses are not "noise-sensitive" (i.e., 7:00 AM to 7:00 PM, Monday through Friday, and 9:00 AM to 7:00 PM, Saturday, Sunday, and local holidays). The project would not involve vibrations beyond that expected in normal construction activities.

Based on the discussion above, the proposed project as conditioned is consistent with Policy 2.16.2-1(5) and LSHVAP Policy 3.3.5-1.

- 10. Public Facilities and Services Policy 4.1.2-1:** *Discretionary development shall be conditioned to contribute land, improvements or funds toward the cost of needed public improvements and services related to the proposed development.*

Public Facilities and Services Policy 4.1.2-2: *Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.*

The proposed project will not introduce a new use or development that will require public improvements or services. The project will not increase water demand as discussed in Section C.2 (above), and an existing on-site disposal system will continue to provide sewage disposal on the property. Furthermore,

the proposed project does not involve the introduction of a new use or an expansion in the existing use of the property, and would not increase traffic generation or a need for improvements to existing public roads. Therefore, the proposed project does not require public improvements or services.

Based on the discussion above, the proposed project is consistent with Policies 4.1.2-1 and 4.1.2-2.

- 11. Public Facilities and Services Policy 4.4.2-2:** *Any subdivision, or discretionary change in land use having a direct effect upon the volume of sewage, shall be required to connect to a public sewer system. Exceptions to this policy to allow the use of septic systems may be granted in accordance with County Sewer Policy. Installation and maintenance of septic systems shall be regulated by the County Environmental Health Division in accordance with the County's Sewer Policy, County Building Code, and County Service Area 32.*

The Environmental Health Division has reviewed the project and determined that the existing on-site disposal system will continue to provide adequate sewage disposal on the property, and the project will not have a direct effect upon the volume of sewage thereby requiring a connection to a public sewer system, pursuant to the County Sewer Policy.

Based on the discussion above, the proposed project is consistent with Policy 4.4.2-2.

- 12. LSHVAP Policy 1.1.2-4:** *Discretionary development shall be conditioned to incorporate good design standards including, open areas, landscaping, circulation, off-street parking, energy efficiency, architectural compatibility with the surroundings, etc.*

LSHVAP Policy 1.1.2-5: *Residential development shall be designed to provide a harmonious relationship between adjoining uses and the natural environment.*

The proposed project incorporates good design standards, and no additional conditions are required. As discussed in Section D of this staff report (below), the proposed project will comply with the building height, building setback, and off-street parking requirements of the NCZO. Furthermore, as discussed in Sections C.3 and C.5 of this staff report (above), the applicant will be required to implement protective measures to ensure that existing oak trees—which screen the project site—remain on-site. Adherence to Title 24 will ensure project compliance with modern energy efficiency standards.

The project is architecturally compatible with the character of the surroundings, which are defined by a mix of open space, horse ranches, and residential estates. The architectural features (e.g., roof and siding) and building details (e.g., windows and doors) match the style and character of existing structures on

the property. Furthermore, the form and scale of the proposed garage is similar to, and compatible with, accessory structures that are a part of surrounding rural and semi-rural development. The project site is harmoniously clustered within existing residential development, and the garage would not encroach into native habitat located within proximity to the subject property.

Based on the discussion above, the proposed project is consistent with LSHVAP Policies 1.1.2-4 and 1.1.2-5.

- 13. LSHVAP Policy 2.1.2-1:** *Discretionary development and grading shall be located to avoid the loss of any protected tree as defined in the County's Tree Protection Ordinance. If such is infeasible, the loss of protected trees shall be replaced in accordance with the following schedule:*

| <i>Protected Tree</i> | <i>Replacement Trees</i> | <i>Replacement Ratio (Removed: New)</i> | <i>Replacement Size</i> |
|------------------------------|--------------------------|---|--|
| Oak (All Quercus species) | Oak | 1:3 | Two 24 inch box tree and one 15 gallon tree |

The location of the replacement trees shall be on-site or in a location approved by the Planning Division. Deviation from the above schedule may be allowed by the Planning Division where deemed appropriate.

LSHVAP Policy 2.1.2-20: *All discretionary development shall comply with the following policies which are intended to minimize and mitigate the loss of oak trees. All references to oak tree ratings or oak tree clusters refer to the findings contained in the Preliminary Oak Tree Reports prepared by Lee Newman and Associates, dated June 1985.*

- a. *If an oak tree has a rating of C/B or better for health/aesthetics, all reasonable efforts should be made to preserve the tree through project design. If, in the opinion of the developer, such a tree cannot be reasonably preserved, a written statement of the reasons why shall be provided to the Planning Division as part of the project application. The final decision for removal will rest with the Planning Manager.*
- b. *Any oak tree to be preserved within development areas shall be preserved as follows:*
 - (1) *If possible, the tree shall be on land maintained by a Homeowners Association or a public agency. This is to encourage proper maintenance of the tree through use of professional landscape personnel.*
 - (2) *The property owner responsible for oak tree maintenance shall keep on file and implement oak tree maintenance instructions to be provided by the Planning Division.*
 - (3) *Landscaping within 5 feet of the dripline of oak trees shall consist of drought-resistant plant species compatible with the water requirements of the trees.*

- (4) *Prior to approval of grading plans, the trees to be preserved shall be inspected by an arborist approved by the Planning Division. The arborist shall make written recommendations to the County and developer concerning a program to maintain, and if need be, to enhance the health of individual trees. This program shall include plans to protect the trees during grading and construction activities. The developer and/or maintenance agency shall implement the appropriate portions of the program as approved by the Planning Division. (Note: See the Newman Reports for details). Failure to adhere to the mitigation plan to the satisfaction of the Planning Division shall result in a \$3,500 assessment per affected tree to be made by the developer to the appropriate public agency for use in habitat enhancement. Said fee shall be paid prior to issuance of any further permits for the project.*
- c. *If trees are to be removed, a mitigation schedule shall be approved by the County. The baseline fee is calculated as the cost of purchasing and planting two 24 inch box and one 15 gallon oak trees. This baseline may be modified periodically by the Planning Division to reflect changes in the cost of trees or labor. The Baseline is based on the aesthetic and biological value of an isolated grade C/C oak tree. For a tree to be more valuable than grad C/C, both the health and aesthetic values must have a grade of C or better. For example, a D+/B tree is not considered to be more valuable than a grad C/C tree. For a tree to be less valuable than grade C/C, both value must have a grade of less than C. In the example of a D+/B tree, this tree would be treated as a C/C tree for mitigation purposes. (Note: These fees apply to dead trees as they have ecological value).*
- (1) *Isolated Trees - Defined as trees shown with a separate canopy which is not merged with another tree canopy:*
Trees of grade C/C or better - Baseline mitigation.
Trees of less than grade C/C = 1/2 of Baseline mitigation.
- (2) *Clustered Trees - Defined as trees shown with a canopy combined with the canopy of at least one other tree.*
Trees of grade C health or better = 2 x Baseline.
Trees of less than grade C health = Baseline.
- (Note: Trees in a cluster of other oak trees provide more ecological benefits than do isolated trees).*
- d. *The largely intact trunk and major limbs of removed trees shall be offered to an appropriate agency, as determined by the Planning Division, for use on public park or open space lands. If accepted by said agency, such trees shall be delivered by the developer to an area located within 1 mile of the development parcel as designated by the agency. If a previously dead tree as identified in the Newman Reports is accepted by said agency, the mitigation fee is waived.*

Payment of the mitigation fee and delivery of the removed trees to the appropriate agency shall occur prior to final inspection of the first unit of a project.

- e. *The recommendations for tree health maintenance, protection from grading and construction activities, and long-term water and fertilization made in the Newman Reports shall be implemented through written Homeowners Association and other CC&Rs, or other written documents as appropriate.*

The project application includes an Oak Tree Report (revised February 25, 2013) that evaluates utility trenching and foundation footing encroachment into the protected zone of 11 oak trees. All 11 trees evaluated in the Oak Tree Report have a health rating of average or better. The proposed project will be subject to conditions of approval (Exhibit 4, Condition Nos. 20 and 21) to require the applicant to prepare, submit for review, and implement a tree protection plan to ensure project consistency with the Ventura County's Tree Protection Regulations (TPR) in § 8107-25 of the Ventura County NCZO, Tree Protection Guidelines (TPG) and LSHVAP Policy 2.1.2-20 tree protection measures, and LSHVAP Policy 2.1.2-1 oak tree replacement ratios for potential loss/damage.

Based on the discussion above, the proposed project as conditioned is consistent with LSHVAP Policies 2.1.2-1 and 2.1.2-20.

- 14. **LSHVAP Policy 2.1.2-6:** *All night lighting within proposed development shall be shielded and directed to the ground. Transient light from lighting shall not exceed one foot-candle at 100 feet from the lightpole, except for tennis court areas.*

The proposed project will be subject to a conditions of approval required (Exhibit 4, Condition No. 18) to ensure that the applicant installs night lighting that is shielded and directed to the ground, and to ensure that transient lighting will not exceed one foot-candle at 100 feet from the lightpole. Currently, night lighting exists on the tennis court that will be replaced with the proposed garage. The replacement of the tennis court with the proposed garage will reduce the amount light pollution permitted to emanate from the project site; tennis courts are exempt from lighting restrictions under LSHVAP Policy 2.1.2-6.

Therefore, the proposed project as conditioned is consistent with LSHVAP Policy 2.1.2-6.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County NCZO. Pursuant to the Ventura County NCZO (§ 8105-4), the proposed use is allowed in the AE-40 ac zone district with the granting of a PD Permit. Upon the granting of the Major Modification to PD Permit LU08-0064, the proposed project will comply with this requirement.

The proposed project includes the construction and use of a building (i.e., a garage) that is subject to the development standards of the Ventura County NCZO (§ 8106-1.1) Table 3 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

| Table 3: Development Standards Consistency Analysis | | |
|--|---|--|
| Type of Requirement | Zoning Ordinance Requirement | Complies? |
| Minimum Lot Area (Gross) | 40 acres | No. The project site is 17.55 acres and does not meet the 40-acre minimum lot size requirement of the AE-40. However, as discussed in Section E.6 of this staff report (below), the subject property consists of a legal lot and, therefore, may be developed pursuant to Ventura County General Plan <i>Goals, Policies and Programs</i> Land Use Policy 3.1.2-7. |
| Maximum Percentage of Building Coverage | 5% | Yes (4.9%). |
| Front Setback | 20 feet | Yes. |
| Side Setback | 10 feet | Yes |
| Rear Setback | 15 feet | Yes |
| Maximum Accessory Building Height | 25 feet if the accessory structure is setback 20 feet from all property lines (Ventura County NCZO § 8106-7.4). | Yes |
| Bathroom Size | 36 square feet for a non-handicapped half bathroom (Ventura County NCZO § 8107-1.9). | Yes |

E. PD FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a Major Modification to a PD Permit 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 [§ 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 [§ 8111-1.2.1.1.b].**

As discussed under Section C.12 (above), the proposed project is compatible with the character of the surrounding development. The proposed structure does not involve any new grading or vegetation removal, and will comply with maximum building height, setback, and building separation requirements of the AE zone district.

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

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

The proposed project is to replace an existing tennis court with a detached residential garage, and does not include any new structures or uses that will negatively affect the surrounding properties or uses. As discussed in Section C of this staff report, the proposed project will be subject to a number of conditions of approval to ensure that the proposed project does not create any unusual fire hazards, or impair the VCFPD's response times. The proposed project will not generate additional traffic and, as such, does not have the potential to degrade existing traffic conditions along Potrero and Hidden Valley Road.

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 [§ 8111-1.2.1.1.d].

The proposed project will be located in an equestrian and agricultural neighborhood. As discussed in Section C of this staff report the proposed project: (1) will be subject to a condition of approval to ensure that construction noise does not create a nuisance for surrounding residences; (2) does not include the use of hazardous materials, or have the potential to create any unusual risks or hazards; and, (3) will be subject to a number of conditions of approval to ensure that the proposed project does not create any unusual fire hazards, or impair the VCFPD's response times to the community. Furthermore, the Environmental Health Division determined that the existing private well provides sufficient water supplies and the existing on-site sewage disposal system is adequate to continue to serve the residential use of the property. Finally, the proposed project is not anticipated to generate new traffic to public roadways that afford access to the project site. Therefore, the proposed project will not 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 [§ 8111-1.2.1.1.e].

The proposed project requires the approval of a Planned Development Permit, not a Conditional Use Permit. Therefore, this finding does not apply to the proposed project.

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

According to a Preliminary Legal Lot Determination, the subject property (i.e., APN 694-0-140-055) is a legal lot that was created by conveyance recorded on October 8, 1948, in Book 841, Page 594 of Official Records, prior to regulation by the Subdivision Map Act and Ventura County Subdivision Ordinance. Based on the discussion above, this finding can be made.

7. The establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area [§ 8111-1.2.1.2.a].

The property is developed with an equestrian facility and residential buildings and structures. The proposed project consists of the construction of a new garage in the place of an existing tennis court and, therefore, does not involve an expansion of the existing residential development, which could reduce, restrict, or adversely affect agricultural resources or the viability of agricultural operations located within proximity to the project site. Furthermore, the project site has an "Other Lands" Important Farmland Inventory designation and, therefore, the proposed project will not result in the conversion of soils designated as "Prime," of "Statewide Importance," or "Locally Important."

Based on the discussion above, the finding that the proposed project will not significantly reduce, restrict or adversely affect agricultural uses or the viability of agricultural operations in the area can be made.

8. The structures will be sited to minimize conflicts with agriculture, and other uses will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area, where applicable [§ 8111-1.2.1.2.b].

Based on the discussion in Section E.7 of this staff report (above), the finding that the proposed project will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area can be made.

9. The use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible [§8 111-1.2.1.2.c].

As discussed in Section E.7 of this staff report (above), the proposed project will not result in the removal of any lands from agricultural production. Based on the discussion above, the finding that the proposed project will remove as little land from agricultural production (or potential agricultural production) as possible 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 (§ 65091) Ventura County NCZO (§ 8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located and placed a legal ad in the *Ventura County Star*. As of the date of this document, no public comments have been received by the Planning Division.

G. RECOMMENDED ACTIONS


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

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is Categorically Exempt from CEQA pursuant to Section 15303(e) (Accessory Structures) of the CEQA Guidelines;
3. **MAKE** the required findings to grant a Major Modification to PD Permit LU08-0064 pursuant to § 8181-3.5 et seq. of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** the requested Major Modification to PD Permit LU08-0064, subject to the recommended conditions of approval (Exhibit 4); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.


The decision of the Planning Director is final unless appealed to the Planning Commission within 10 calendar days after the permit has been approved, conditionally approved, or denied (or on the following workday if the 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 Holly Harris at (805) 654-3136 or holly.harris@ventura.org.

Prepared by:


Holly Harris, Case Planner
Residential Permits Section
Ventura County Planning Division

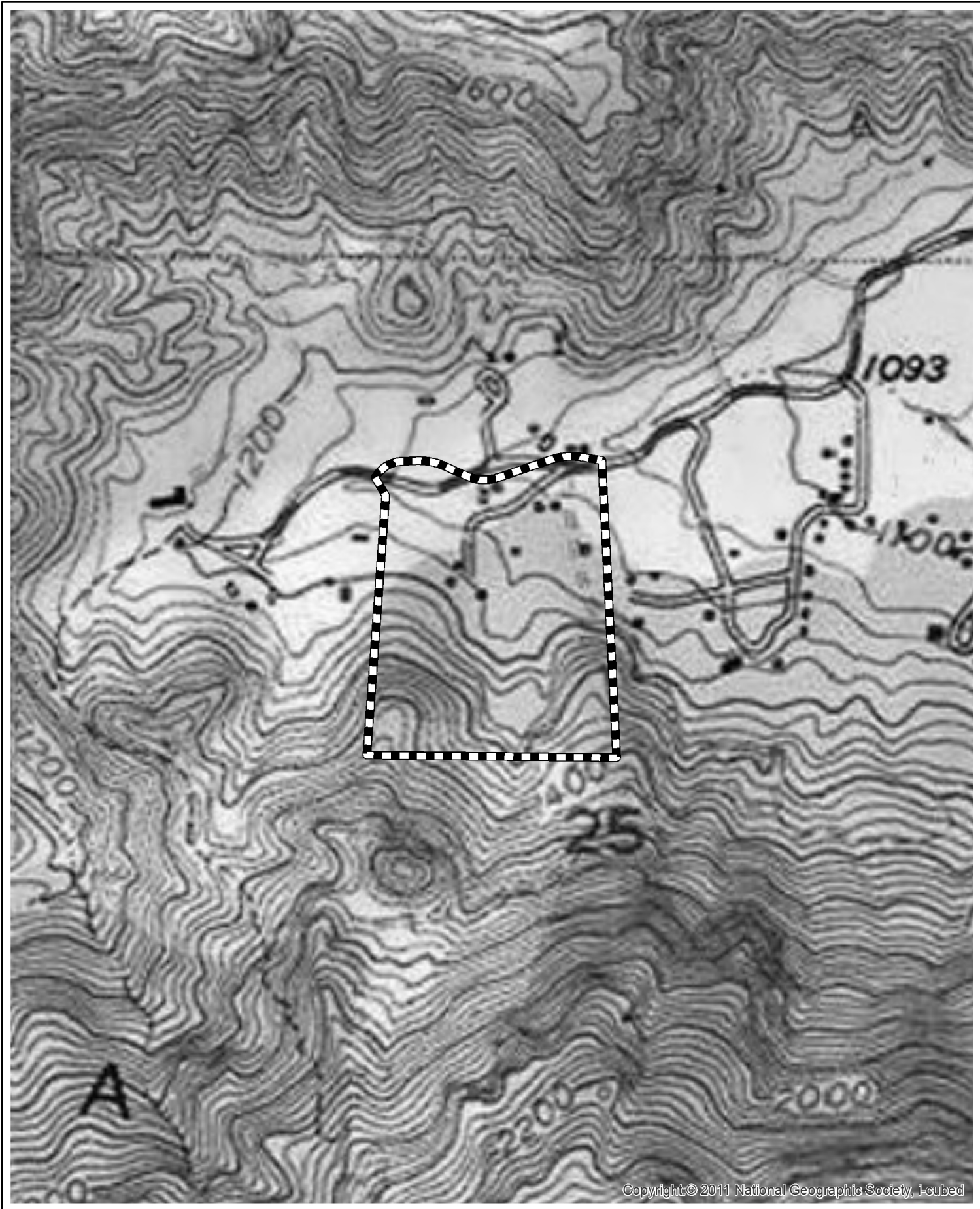
Reviewed by:


Dan Klemann, Manager
Residential Permits Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 – Aerial Location, General Plan and Zoning Designations, and Land Use Maps
- Exhibit 3 – Plans
- Exhibit 4 – Draft Conditions of Approval

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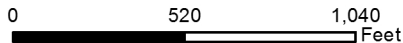
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Ventura County
Resource Management Agency
Information Systems Department
Map created on 06/12/2013
Source: Newbury Park U.S.G.S.
7.5 Minutes Quadrangles
Contour interval = 20 ft

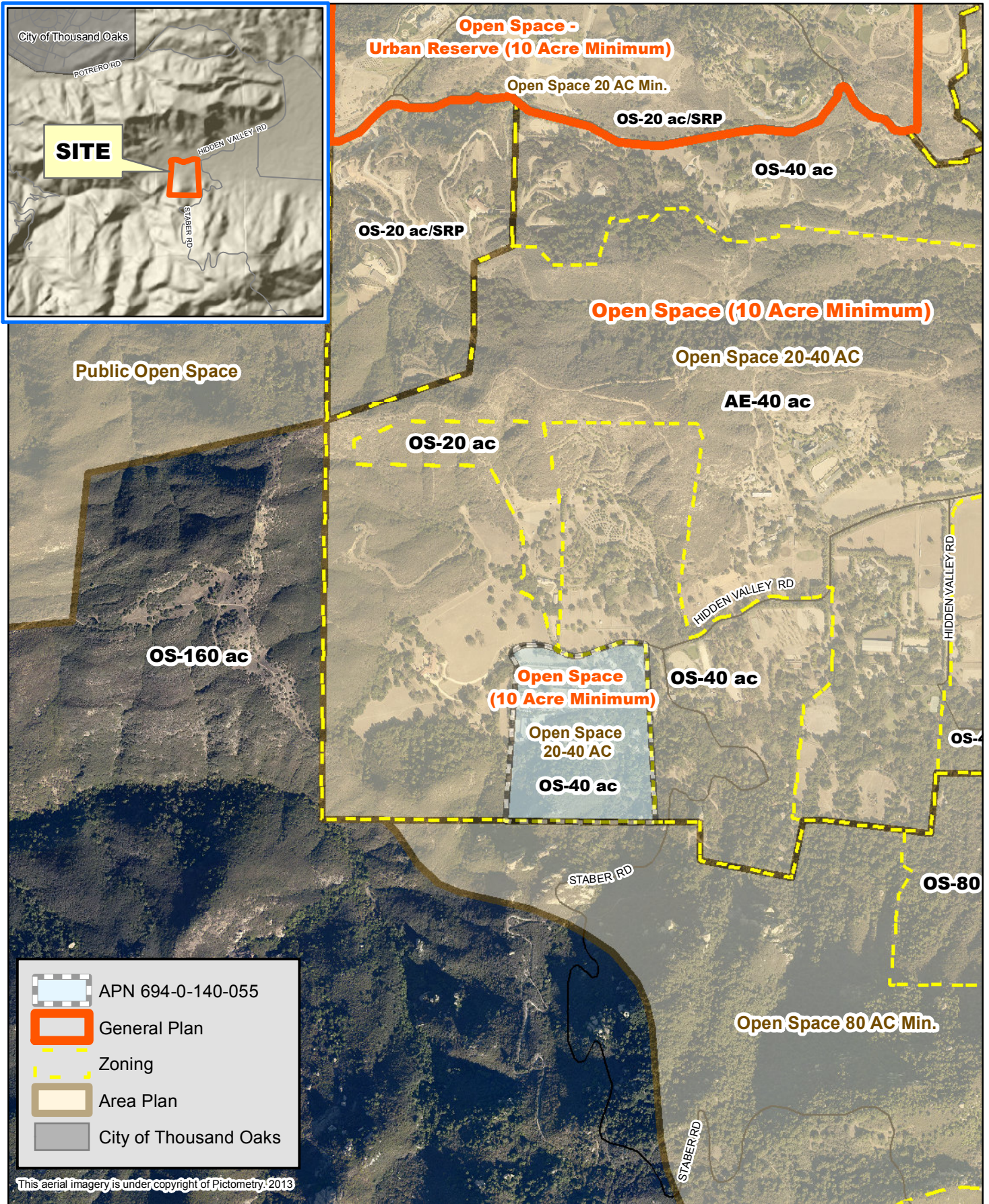


PL13-0006
U.S.G.S.TOPO MAP



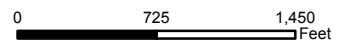
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Ventura County
 Resource Management Agency
 Information Systems
 Date Printed: 06/12/2013

County of Ventura
 Planning Director Hearing
 PL13-0006
**EXHIBIT 2: ZONING & GENERAL PLAN
 AERIAL MAP**



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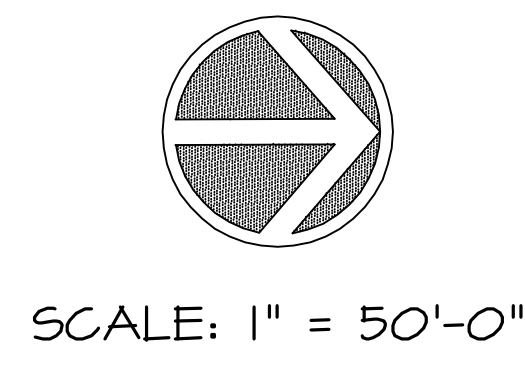
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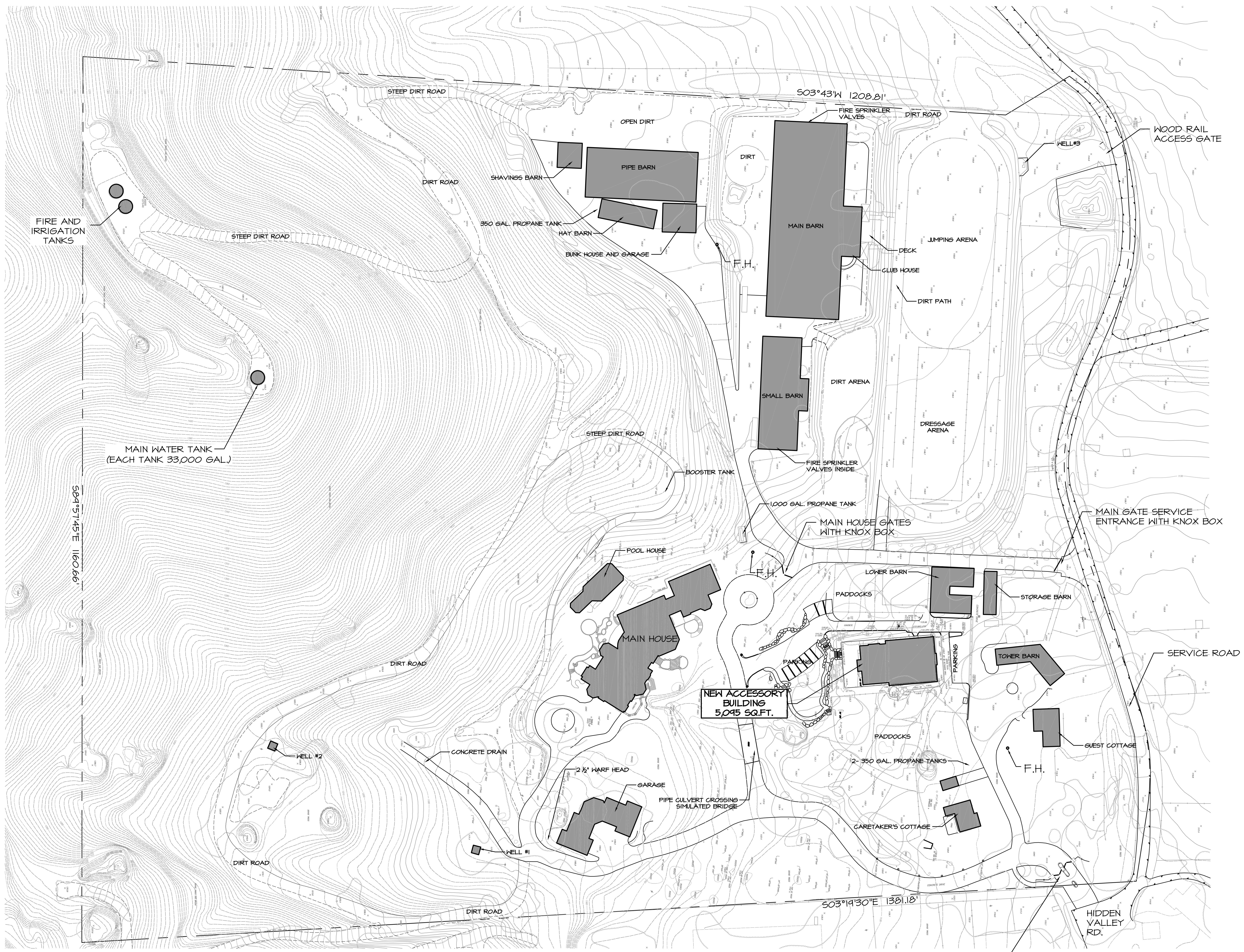
Project
RESIDENCE - ACCESSORY STRUCTURE

SITE PLAN

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| Job No. | 300-15 |
| Date | 1/3/13 |
| Drawn By | RK |
| Revision | |
| ▲ 02/10/13 - Revisions Per County Comments | |
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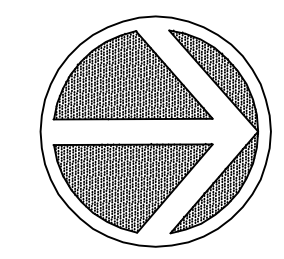
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Project
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FIRE DEPARTMENT ACCESS PLAN


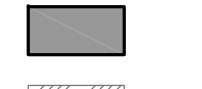


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PRIVATE ENTRANCE
(2) SETS OF DOUBLE ENTRY GATES WITH KNOX BOX



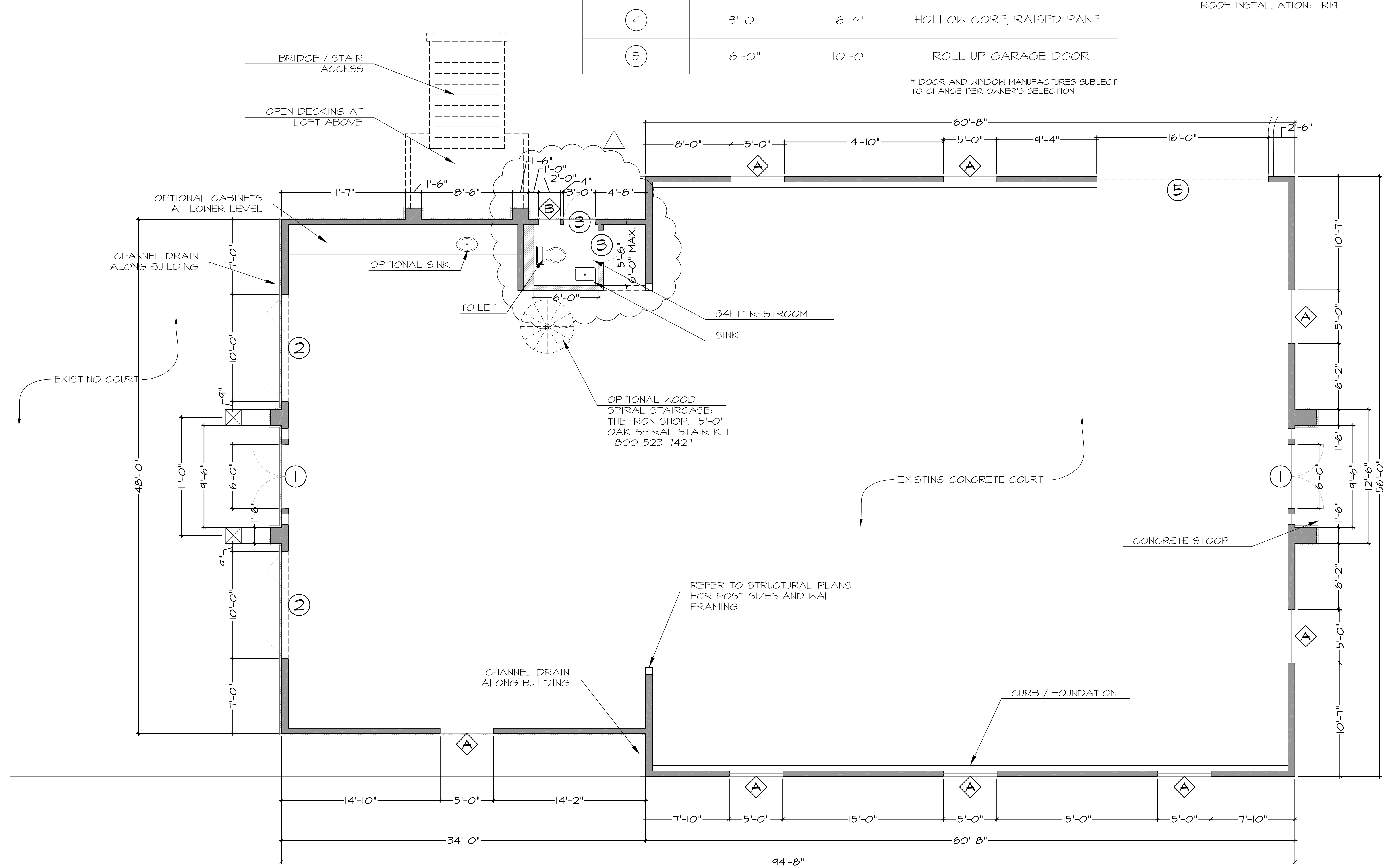
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| DOOR SCHEDULE | | | |
|---------------|--------|--------|--|
| SYMBOL | WIDTH | HEIGHT | MODEL |
| ① | 6'-0" | 7'-6" | PELLA ARCHITECT SERIES DOUBLE DOOR W/ SIDELIGHTS |
| ② | 10'-0" | 7'-0" | LA CANTINA FOLDING WOOD DOORS |
| ③ | 3'-0" | 6'-8" | SOLID CORE |
| ④ | 3'-0" | 6'-9" | HOLLOW CORE, RAISED PANEL |
| ⑤ | 16'-0" | 10'-0" | ROLL UP GARAGE DOOR |

WALL LEGEND:
 STUD WALL
 SHEAR WALL PER STRUCTURAL
 SHEAR WALL WITH STONE VENEER
 COLUMN WITH STONE VENEER

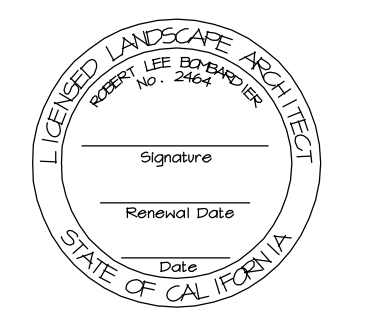
WALL INSTALLATION: R13
 ROOF INSTALLATION: R14

* DOOR AND WINDOW MANUFACTURES SUBJECT TO CHANGE PER OWNER'S SELECTION



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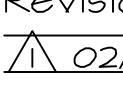
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Project
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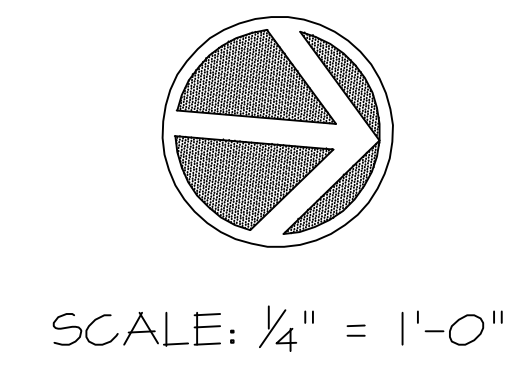
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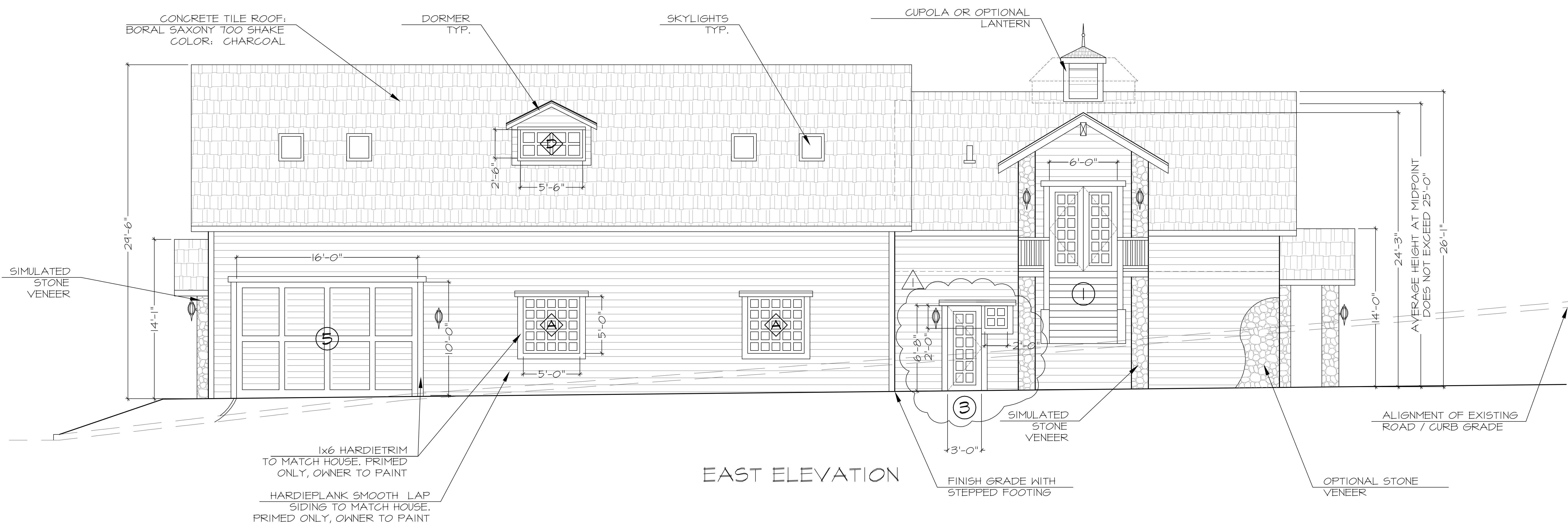
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| Revision | |
|  02/18/13 - Revisions Per County Comments | |
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Sheet **A.1** of

| WINDOW SCHEDULE | | | |
|-----------------|-------|--------|--|
| SYMBOL | WIDTH | HEIGHT | MODEL |
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| Ⓑ | 2'-0" | 2'-0" | PELLA ARCHITECTS SERIES TRADITIONAL, FIXED |
| Ⓒ | 3'-0" | 4'-0" | PELLA ARCHITECTS SERIES TRADITIONAL, FIXED |
| Ⓓ | 5'-6" | 2'-6" | PELLA ARCHITECTS SERIES TRADITIONAL, FIXED |

* DOOR AND WINDOW MANUFACTURES SUBJECT TO CHANGE PER OWNER'S SELECTION

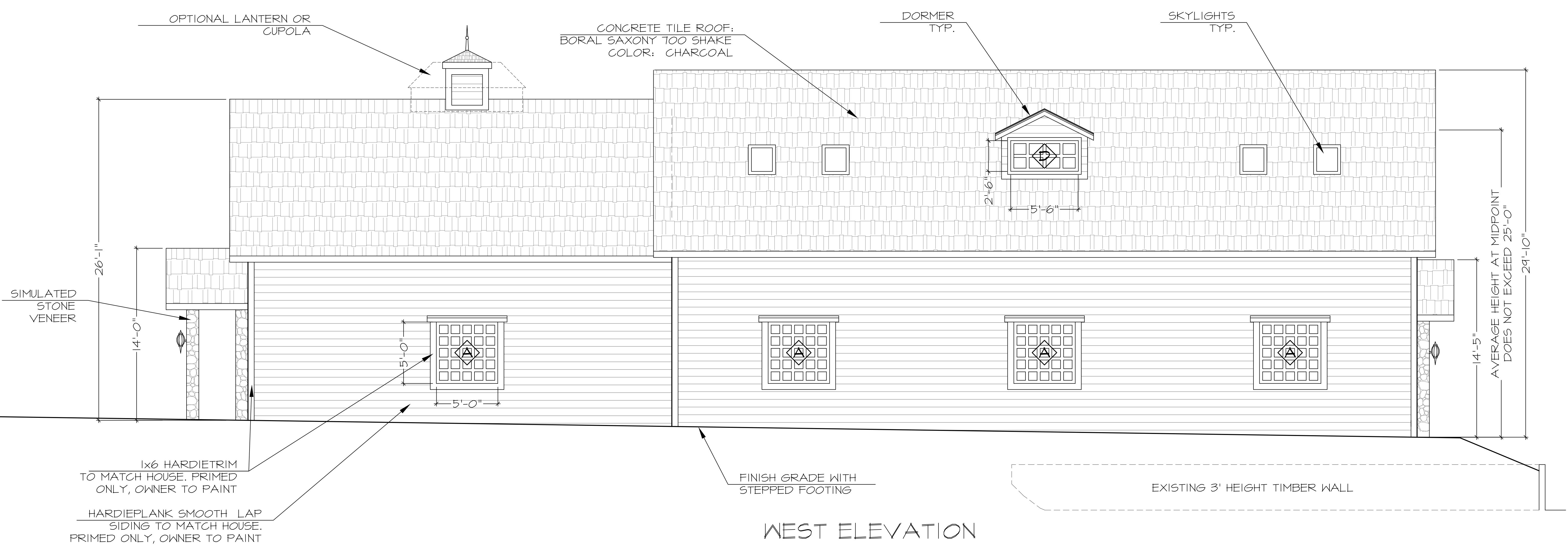




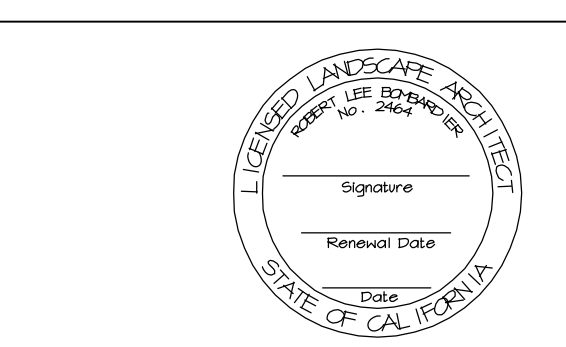
EAST ELEVATION

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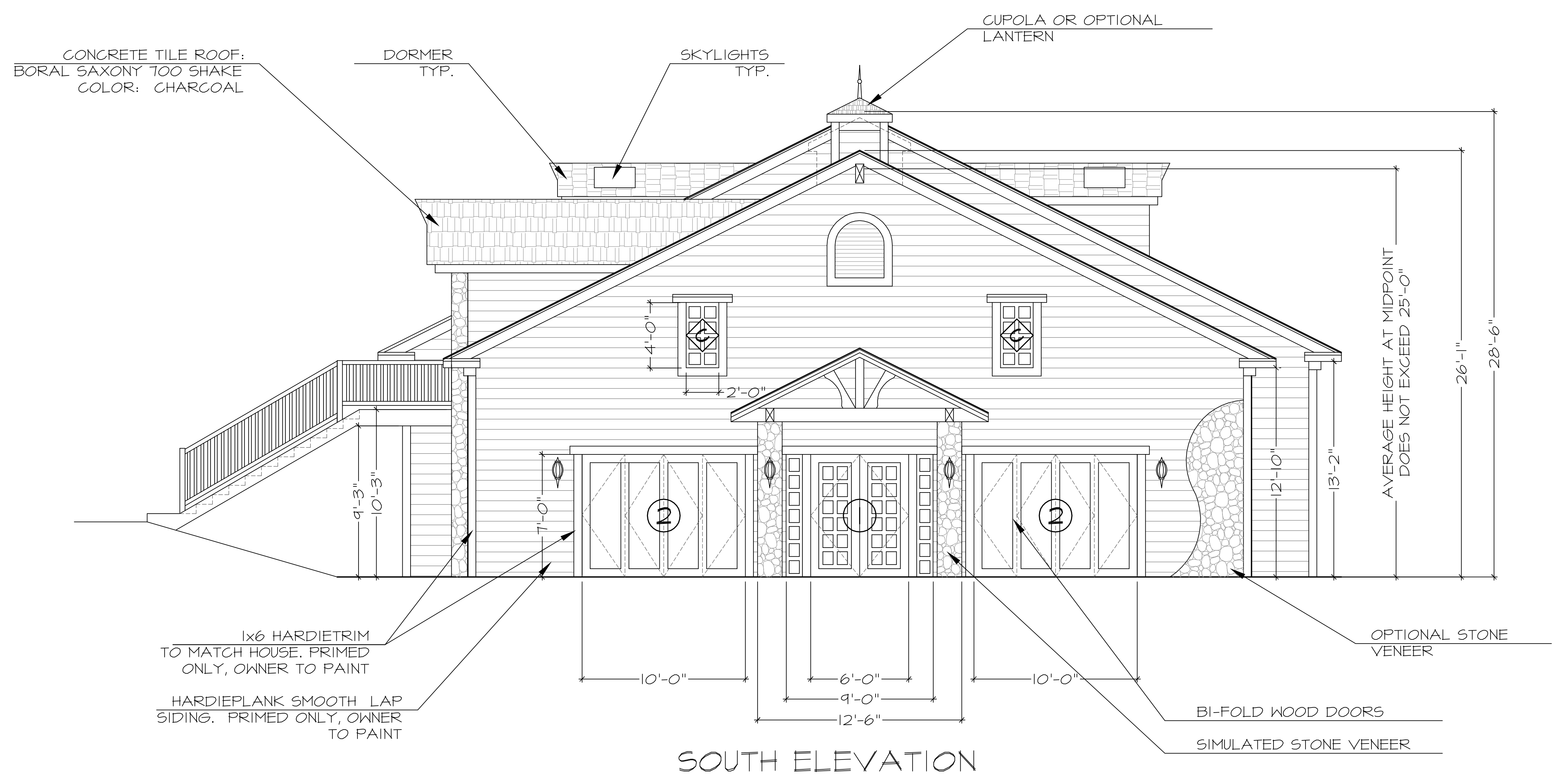
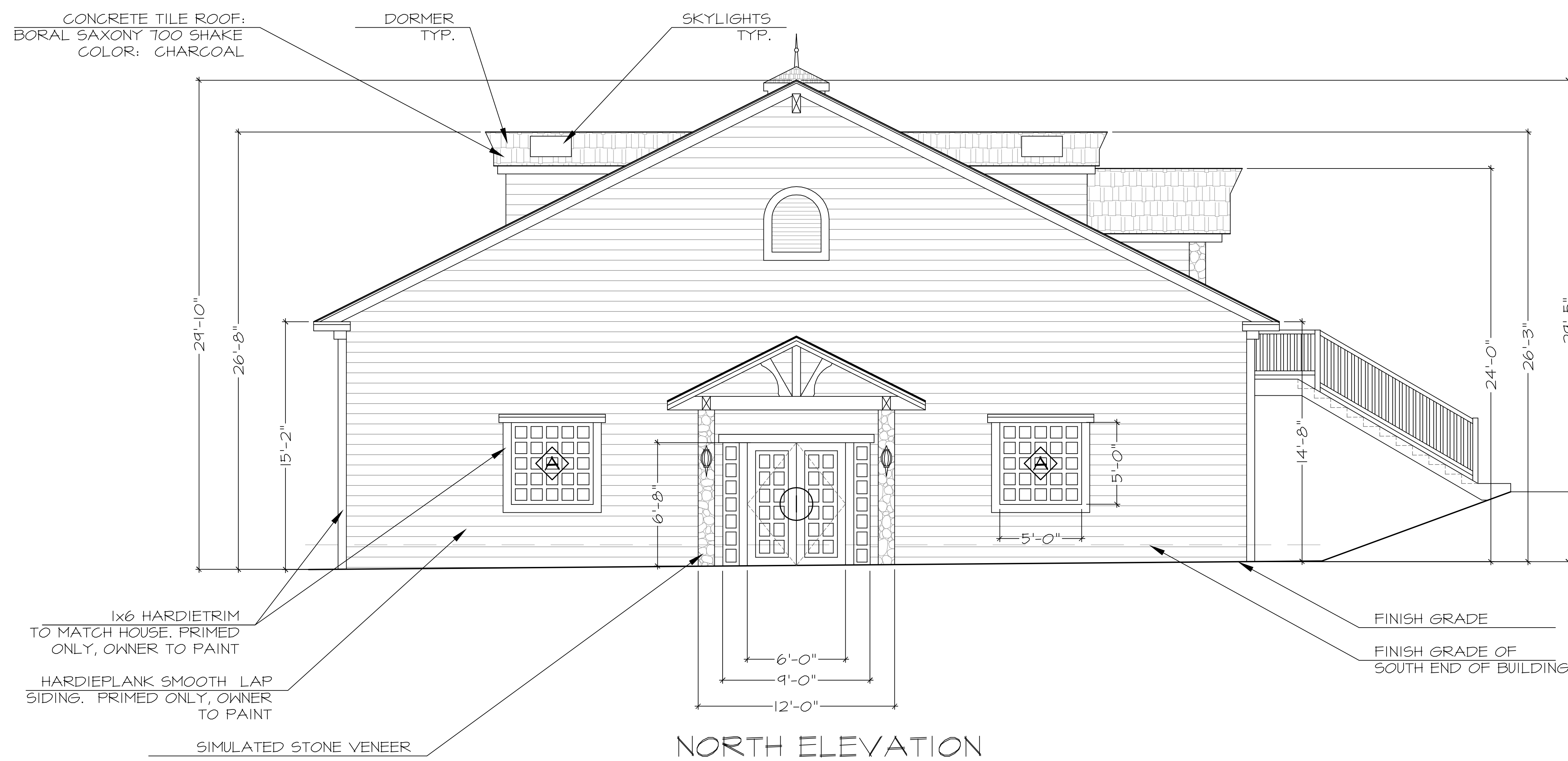
Project
RESIDENCE - ACCESSORY STRUCTURE

ELEVATIONS

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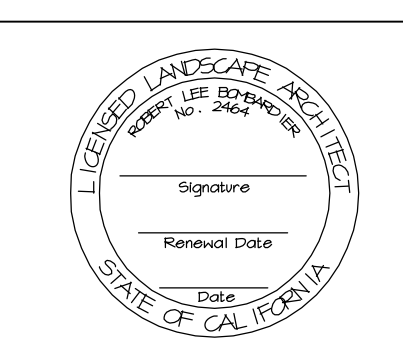
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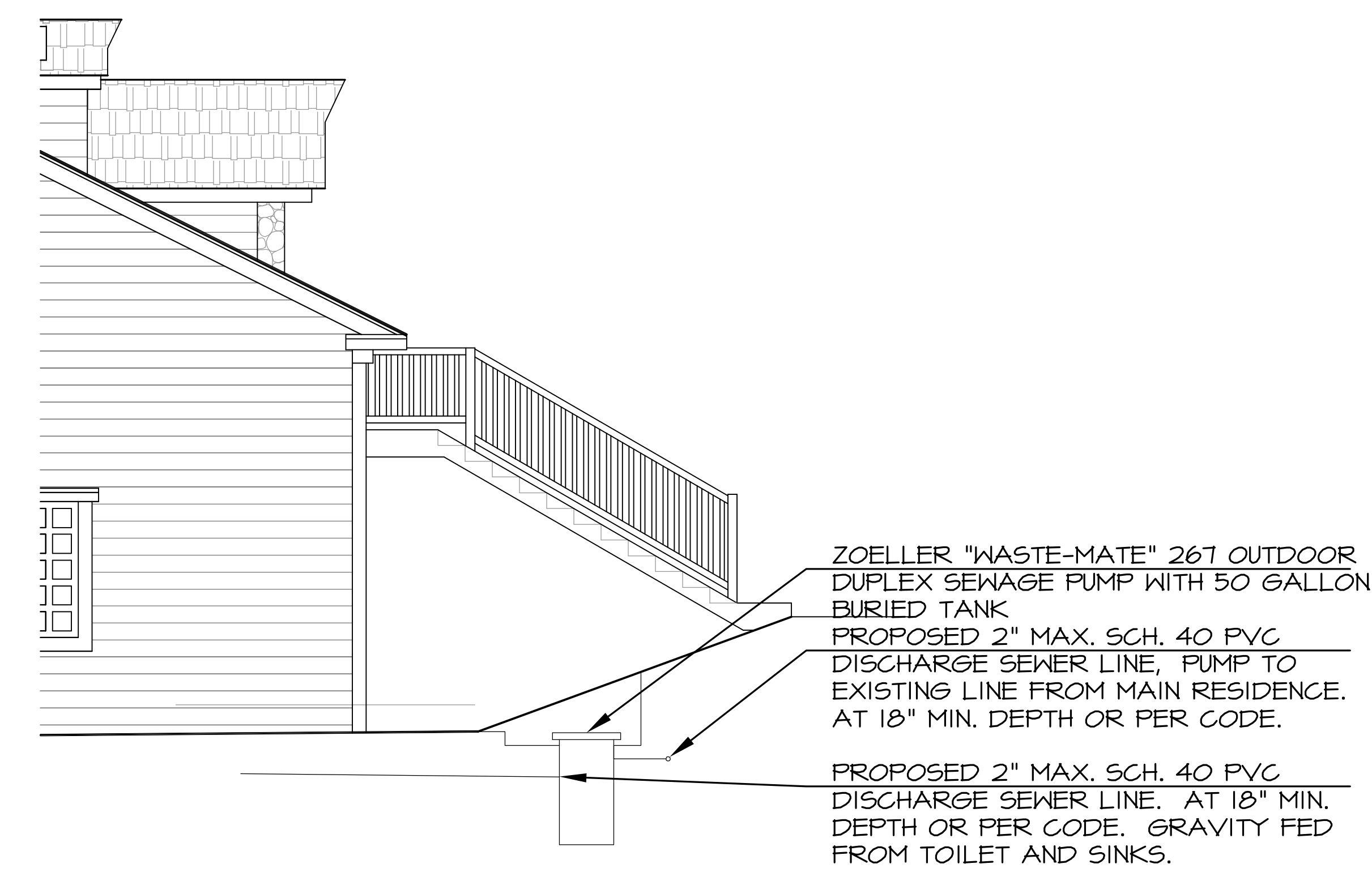
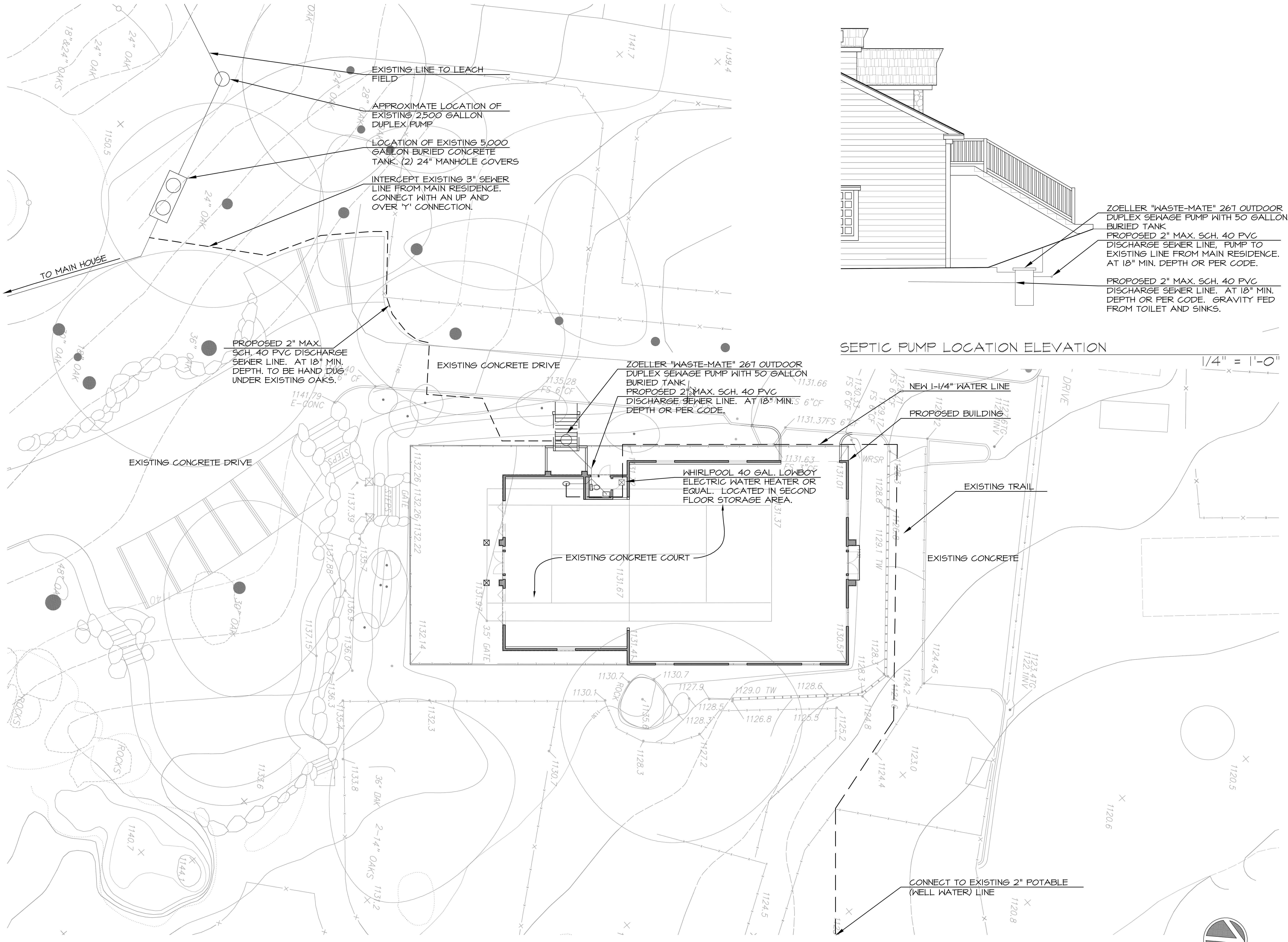
Project
RESIDENCE -
ACCESSORY STRUCTURE

ELEVATIONS

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| Job No. | 300-15 |
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Sheet **A2.1** of

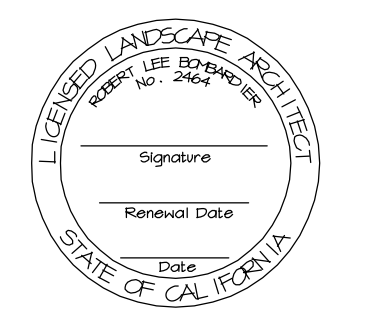
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- Landscape Architecture
- Planning
- Horticulture
- Biological Restoration

31300 Via Colinas ■ Suite 104
Westlake Village, CA 91362-3924
Phone: (818) 991-5056 ■ Fax: (818) 991-3478
E-mail: lndg@lndg.net

Client
MR. AND MRS. HUGH CASSAR

Address
1750 HIDDEN VALLEY ROAD
HIDDEN VALLEY, CA 91362

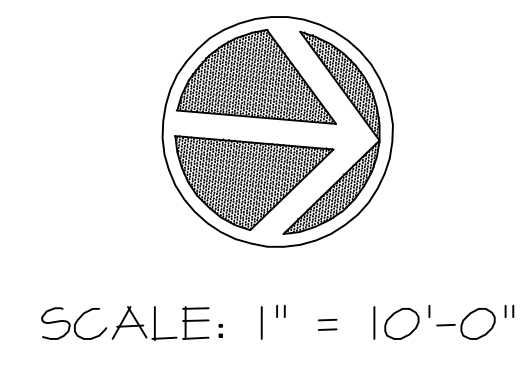
APN: 644-0-140-055

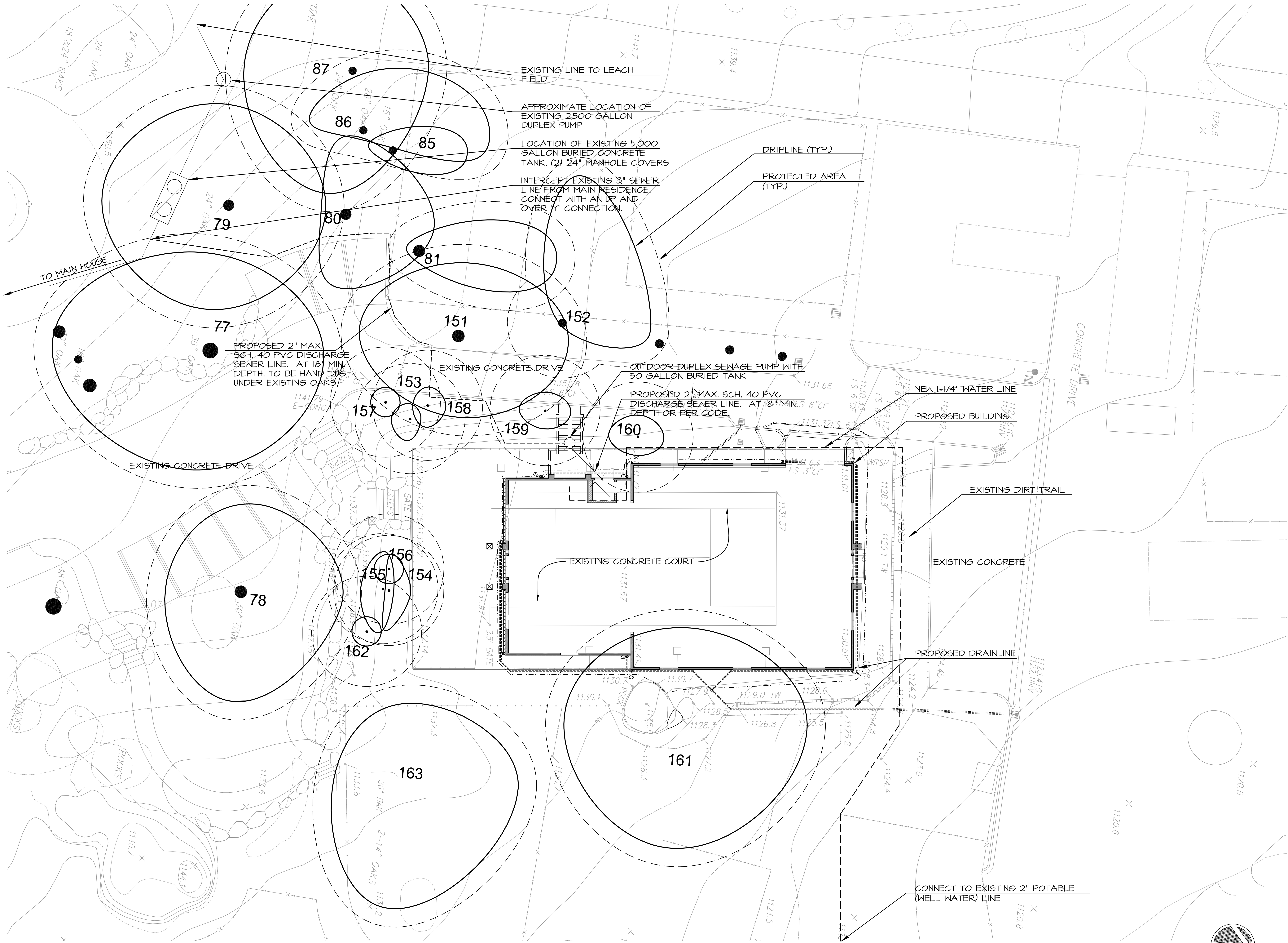
Project
RESIDENCE - ACCESSORY STRUCTURE

SEPTIC/PLUMBING PLAN

| | |
|--|-------------|
| Job No. 300-15 | Drawn By RK |
| Date 1/3/13 | Revision |
| <ul style="list-style-type: none"> ▲ 02/10/13 - Revisions Per County Comments | |
| Sheet | |

A5.1

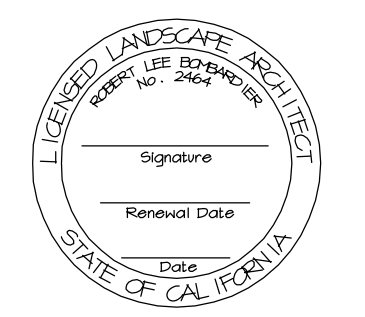




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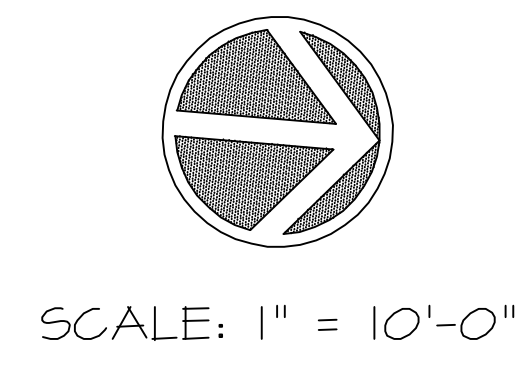
APN: 644-0-140-055

Project
RESIDENCE - ACCESSORY STRUCTURE

OAK TREE MAP

| | |
|----------|--|
| Job No. | 300-15 |
| Date | 1/3/13 |
| Drawn By | RK, JO |
| Revision | 02/18/13 - Revisions Per County Comments |
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**DRAFT CONDITIONS OF APPROVAL FOR
PLANNED DEVELOPMENT PERMIT/MAJOR MODIFICATION
CASE NOS. LU08-0064/PL13-0006¹**

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL) Conditions

1. Project Description/Permitted Land Uses

This Major Modification to Planned Development (PD) Permit LU08-0064 is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project marked Exhibit 3, dated July 2, 2013, and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this permit.

The project description is as follows:

The applicant requests that a Major Modification to PD Permit LU08-0064 be granted to construct an approximately 5,096 square foot detached, non-habitable structure (garage) that is accessory to the residential use of the subject property. The garage would be approximately 20 feet tall (average height at midpoint) and constructed over an existing tennis court, so no grading or vegetation removal is required to prepare the site for the proposed development. No protected trees would be removed as a result of the proposed development; however, the placement of utility trenches and foundation footings would encroach into the protected zone of 11 oak trees.

Section 8105-4 of the NCZO requires a Planning Director-approved PD Permit for non-habitable residential accessory structures over 2,000 square feet. PD Permit LU08-0064 legalized a 2,270 square foot pool enclosure and a 3,263 square foot detached garage, originally approved and constructed under expired permit CUP 4231 Mod 2. The request would modify PD Permit LU08-0064 to allow the demolition of the tennis court and construction of a 5,096 square foot garage. The request would not affect existing residential accessory development permitted under PD Permit LU08-0064 (i.e., existing pool enclosure and detached garage).

¹ These conditions of approval: (1) include the changes to Planned Development Permit Case No. LU08-0064 that were authorized pursuant to Major Modification Case No. PL13-0006; and, (2) supersede all previously adopted conditions of approval for Planned Development Permit Case No. LU08-0064.

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Two existing on-site wells will continue to provide water, and an existing on-site waste disposal system will continue to provide sewage disposal for the residential use of the property. An existing 12-foot wide private driveway connected to Hidden Valley Road will continue to provide access to the project site.

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 all approved County land use hearing exhibits (Exhibit 3) in support of the project and conditions of approval below. (PL-1)

2. Required Improvements for PD

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

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

Documentation: The Permittee shall obtain the Planning Division's stamped approval on the project plans and submit them to the County for inclusion in the project file. The Permittee shall submit additional plans (e.g., tree protection plans) to the Planning Division for review and stamped approval for inclusion in the project file as necessary.

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

Monitoring and Reporting: The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-3)

3. Site Maintenance

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

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

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

Timing: Prior to occupancy and for the life of the permit.

Monitoring and Reporting: The County Building Inspector, Public Works Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. Site inspections should be scheduled with the owner in advance. (PL-4)

4. PD Modification

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

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)

5. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. (PL-6)

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this PD and/or commencement of construction and/or operations under this PD shall constitute the Permittee's formal agreement to comply with all conditions of this PD. Failure to abide by and comply with any condition for the granting of this PD shall constitute grounds for enforcement action provided in the

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Ventura County Non-Coastal Zoning Ordinance (2011, Article 14), which shall include, but is not limited to, the following:

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

The Permittee is responsible for being aware of and complying with the PD conditions and all applicable federal, state and local laws and regulations. (PL-7)

7. Time Limits

- a. Zoning Clearance for Construction/Use Inauguration:
 - i. The approval decision for this PD becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction/use inauguration.
 - ii. This PD shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction/use inauguration within one year from the granting or approval of this PD. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for construction/use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to construct the garage and inaugurate the use of the garage, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
 - iii. Prior to the issuance of the Zoning Clearance for construction/use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for construction/use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this PD. (PL-8)

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

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

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

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

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction/use inauguration.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

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

Purpose: To ensure full and proper notice of permit requirements and conditions affecting the use of the subject property.

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the contractors and all other parties and vendors regularly dealing with the Project, of the pertinent conditions of this PD.

Documentation: The Permittee shall maintain a current set of PD conditions and exhibits at the project site.

Timing: Prior to issuance of a Zoning Clearance for construction/use inauguration and until expiration of the PD.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-10)

10. Recorded Notice of Land Use Entitlement

Purpose: In order to comply with § 8111-8.3 of the *Ventura County Non-Coastal Zoning Ordinance* a notice shall be recorded on the deed of the subject property that describes the responsibilities of the Property Owner and Permittee for compliance with applicable permit conditions and regulations.

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Requirement: 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 the Tax Assessor's parcel that is subject to this PD.

Documentation: Recorded Notice of Land Use Entitlement.

Timing: Prior to the issuance of a Zoning Clearance for construction/use inauguration.

Monitoring and Reporting: The Permittee shall return a copy of the recorded Notice of Land Use Entitlement to the Planning Division for the project file. (PL-11)

11. Condition Compliance, Enforcement, and Other Responsibilities

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 11.b. Specifically, the Permittee shall bear the full costs of the following:
 - i. condition compliance costs which include, but are not limited to, staff time, material 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,
 - ii. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance* (2011, § 8114-3). The Permittee, or the Permittee's successors-in-interest, shall 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 PD. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§ 8114-3.4).
- b. **Establishment of Revolving Compliance Accounts:** Within 10 calendar days of the effective date of the decision on this PD, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
 - i. a payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition 12.a, above), monitoring and enforcement (Condition 12.c, below). The

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- \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
- ii. a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
 - c. **Monitoring and Enforcement Costs:** The \$500.00 deposit and reimbursement agreement (Condition 11.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this PD and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.
 - d. **Billing Process:** The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this PD. The Permittee shall have the right to challenge any charge prior to payment. (PL-12)

12. Defense and Indemnity

As a condition of PD issuance and use including adjustment, modification, or renewal thereof, the Permittee agrees to:

- a. Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either the County's decision to issue this PD, or the manner in which the County is interpreting or enforcing the conditions of this PD; and,
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Permittee defended or controlled the defense thereof pursuant to Section 12.a above. The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.

Neither the issuance of this PD, 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 PD serve

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to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

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 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this PD. (PL-13)

13. Invalidation of Condition(s)

If any of the conditions or limitations of this PD are held to be invalid, that holding shall not invalidate any of the remaining PD conditions or limitations. In the event the Planning Director determines that any condition contained herein is 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.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of 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 PD 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 a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this PD, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this PD may be revoked. (PL-14)

14. Consultant Review of Information and Consultant Work

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

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 11 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense. (PL-15)

15. Relationship of PD Conditions, Laws and Other Permits

The Permittee shall design, maintain, and operate the PD area and any facilities thereon in compliance with all applicable requirements and enactments of Federal, State, and County authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any PD condition contained herein is in conflict with any other PD condition contained herein, when principles of law do not provide to the contrary, the PD condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this PD for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules or regulations, or orders of an authorized governmental agency. Neither the issuance of this PD, nor compliance with the conditions of this PD, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property. (PL-16)

16. Contact Person

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

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

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

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Timing: Prior to the issuance of a Zoning Clearance for construction/use inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide the Planning Division with the new information in writing within three calendar days of the change in the Permittee's field agent.

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the respective project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-17)

17. Change of Owner and/or Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of ownership or change of Permittee affecting the PD site.

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

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

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

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the project file and has the authority to periodically confirm the information consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-20)

18. Outdoor Lighting

Purpose: To ensure lighting on the subject property is in compliance with the Lake Sherwood Hidden Valley Area Plan (LSHVAP) Policy 2.1.2-6.

Requirement: All outdoor light sources must be located within 100 feet of a structure or adjacent to a driveway and shall be hooded to direct light downward onto buildings, structures, driveways, or yards. The Permittee shall submit two copies of a lighting plan

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to the Planning Division for review and approval prior to implementing the lighting plan. The Permittee shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs) in the lighting plan. An electrical engineer registered by the State of California shall prepare the lighting plan. The plan must include illumination information within parking areas, pathways, streetscapes, and open spaces proposed throughout the development. Transient light from lighting shall not exceed one foot-candle at 100 feet from the lightpole. The Permittee shall bear the total cost of the review and approval of the lighting plan. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

Documentation: A stamped copy of the approved Lighting Plan.

Timing: The Permittee shall submit a lighting plan for review and approval by the Planning Division prior to the issuance of a Zoning Clearance for construction/use inauguration. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the permit.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved lighting plan in the project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to the issuance of a Certificate of Occupancy. The Building and Safety Inspector and the Planning Division have the authority to ensure that the lighting plan is installed according to the approved lighting plan. The Planning Division has the authority to conduct site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-22)

19. Construction Noise

Purpose: In order for this project to comply with the Ventura County General Plan *Goals, Policies and Programs* (2011) Noise Policy 2.16.2-1(5) and the *County of Ventura Construction Noise Threshold Criteria and Control Plan* (Amended 2010).

Requirement: The Permittee shall limit construction activity for site preparation and development to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday and State holidays. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities such as interior painting are not subject to these restrictions.

Documentation: The Permittee shall post a sign stating these restrictions in a conspicuous on-site location visible to the general public. The sign must provide a telephone number of the site foreman, or other person that controls activities on the jobsite, for use for complaints from the affected public.

Timing: The sign shall be installed prior to the issuance of a building permit and throughout grading and construction activities. The Permittee shall maintain a

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“Complaint Log,” noting date, time, complainant’s name, nature of the complaint, and any corrective action taken.

Monitoring and Reporting: The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division prior to the commencement of grading or construction activities. (PL-59)

20. Tree Protection Plan (TPP)

Purpose: To comply with the County’s Tree Protection Regulations (TPR) in § 8107-25 of the *Non-Coastal Zoning Ordinance* and *Tree Protection Guidelines* (TPG), Lake Sherwood/Hidden Valley Area Plan Resources Policies 2.1.2-1 and 2.1.2-20, the County’s Oak Woodlands Management Plan, and with the Oak Woodland Conservation Act (OWCA) (PRC § 21083.4, and Fish and Game Code § 1361):

Requirement: The Permittee shall avoid impacting protected trees to the extent feasible, and shall offset or mitigate any damage to protected trees or associated impacts from such damage. If protected trees are felled/damaged and require offsets/mitigation, and planting new trees onsite is the offset/mitigation measure approved in the TPP (or as amended), the Permittee shall:

- a. post a financial assurance to cover the costs of planting and maintaining the offset trees, as outlined in the County’s *Content Requirements for Tree Protection Plans* document;
- b. reimburse the County for staff and/or consultant costs to monitor compliance. Planning Division staff time and consultant costs to monitor compliance will be billed to the Permittee; and,
- c. record against the parcel(s) governed by this permit a restrictive covenant indicating that the Planning Division has authorized development on the subject property subject to terms and conditions of the TPP.

Documentation: The Permittee shall submit to the Planning Division a TPP which addresses:

- d. the protection of all TPR-protected trees whose tree protection zones (TPZs) are within 20 feet of the construction envelope (including stockpile and storage areas, access roads, and all areas to be used in the construction) or within 10 feet of other trees proposed for removal; and,
- e. the offset or mitigation that will be provided should any protected trees be damaged unexpectedly consistent with Lake Sherwood/Hidden Valley Area Plan Policies 2.1.2-1 and 2.1.2-20.

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The TPP shall be prepared by a qualified arborist² in conformance with the County's TPR, TPG, and Content Requirements for Tree Protection Plans. If the TPP outlines tree offset strategies meant to satisfy TPR offset requirements.

Should unanticipated damage occur to projected trees during construction or within two years following construction, the Permittee shall submit to the Planning Division a Damaged Tree Addendum to the TPP. The Addendum shall include documentation that confirms that the TPP's prior-to-construction tree protection measures have been implemented.

The following requirements apply if trees are damaged or felled:

If in lieu fees will be paid to a conservation agency for tree offsets/mitigation, the Permittee shall provide the Planning Division with a Tree Mitigation Plan from a conservation agency outlining how the mitigation funds will be used to support the preservation of protected trees. After this plan is approved by the Planning Division, the Permittee shall provide the Planning Division with a copy of the contract between the conservation agency and the Permittee.

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

If a restrictive covenant is required for tree offsets/mitigation, the restrictive covenant shall be recorded by the Permittee on a form provided by the Planning Division and shall conform to the requirements outlined in the County's Content Requirements for Tree Protection Plans document.

Timing: Prior to the issuance of a Zoning Clearance for construction/use inauguration, the Permittee shall submit the TPP to the Planning Division for review and approval, implement all prior-to-construction tree protection measures, and submit the required documentation proving said implementation. Unless otherwise approved by the Planning Director, replacement and transplant trees must be planted prior to occupancy. Other monitoring and reporting dates shall be as indicated in the approved TPP.

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

² A qualified arborist may either be an International Society of Arboriculture certified arborist or a related professional, such as a landscape architect, with qualifying education, knowledge and experience, as determined by the Planning Director. The project arborist is the arborist who prepared the TPP and remains involved with implementation and monitoring of the project.

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If in lieu fees are required and will be paid to an approved conservation agency, the Permittee shall submit these fees, prior to the issuance of a Zoning Clearance for construction/use inauguration.

If a financial assurance is required, the Permittee shall submit the required financial assurance and the completed Financial Assurance Acknowledgement form within 30 days of the Planning Division's approval of the TPP Damaged Tree Addendum. The financial assurance may be released upon receipt by the Planning Division of the report from the project arborist that verifies that the replacement trees met their final 5 or 7 year performance targets per to the TPP.

If a restrictive covenant is required, the restrictive covenant must be recorded within 30 days after the Planning Division's approval of the TPP Damaged Tree Addendum. Within 5 days of recordation, the Permittee shall provide the Planning Division with a copy of the recorded restrictive covenant. At the conclusion of the required term, a Release of Restrictive Covenant may be recorded, in a form acceptable to the Planning Director, to relieve the Permittee from restrictions imposed by the covenant.

Monitoring and Reporting: The Planning Division maintains the approved TPP and all supporting documentation provided by the Permittee in the project file. RMA Operations maintains copies of all financial documentation. The Permittee shall submit documentation to the Planning Division demonstrating that the required protective measures have been installed in accordance with the approved TPP. Planning Division staff, Building and Safety Inspectors, and Public Works grading inspectors have the authority to inspect the site during the construction phase to assure that tree protection measures remain in place during the construction period. (PL-32)

21. Tree Health Monitoring and Reporting

Purpose: To comply with the County's Tree Protection Regulations (TPR) in § 8107-25 of the *Non-Coastal Zoning Ordinance and Tree Protection Guidelines* (TPG), and with the *Oak Woodland Conservation Act* (OWCA) (PRC § 21083.4, Fish and Game Code § 1361).

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

Documentation: The Permittee shall submit annual arborist reports as indicated above.

Timing: The Permittee shall submit annual arborist reports one year and two years after the project's Zoning Clearance for construction/use inauguration.

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Monitoring and Reporting: The Permittee shall implement any recommendations made by the arborist's Damaged Tree Addendum to the satisfaction of the Planning Director. The Planning Division maintains copies of all documentation and evidence that the arborist's recommendations are implemented. The Planning Division has the authority to inspect the site to confirm the health of the protected trees and to ensure that the recommendations made by arborist are implemented consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-33)

Environmental Health Division

22. On-Site Sewage Disposal System

Requirement: Only domestic waste as defined in the Ventura County General Plan and the Ventura County Building Code Ordinance is allowed to be discharged into the on-site sewage disposal system. (EHD-3)

OTHER VENTURA COUNTY AGENCIES CONDITIONS

Ventura County Fire Protection District

23. Vertical Clearance

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 vertical clearance of 13 feet 6 inches along all access roads/driveways.

Documentation: A stamped copy of the approved access plan.

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. (VCFPD-11.a)

24. Construction Access

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

Requirement: The Permittee shall install all utilities located within the access road(s) and a paved all-weather access road suitable for use by a 20 ton fire apparatus. The access road(s) shall be maintained with a minimum 20 foot clear width at all times.

Documentation: A stamped copy of the construction access plan.

Timing: The Permittee shall submit plans to the Fire Prevention Bureau for approval before the issuance of building permits. All required access installed before start of 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 periodic on-site inspections to ensure that all required fire department access is maintained during construction. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain all required fire access during construction. (VCFPD-23)

25. 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: A stamped copy of the approved gate plans.

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 the Zoning Clearance for construction/use inauguration issued by the Planning Division.

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 the Permittee's successors in interest, shall maintain the gates for the life of the development. (VCFPD-30)

26. Fire Sprinklers

Purpose: To comply with current California Codes and Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall be responsible to have an automatic fire sprinkler system installed in all structures as required by the Ventura County Fire Protection

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District. The fire sprinkler system shall be designed and installed by a properly licensed contractor under California State Law.

Documentation: A stamped copy of the approved fire sprinkler plans.

Timing: The Permittee shall submit fire sprinkler plans to the Fire Prevention Bureau for approval before the installation of the fire sprinkler system.

Monitoring and Reporting: A copy of the approved fire sprinkler plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct on-site inspections to ensure that the fire sprinkler system 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 fire sprinkler system for the life of the development. (VCFPD-40)

27. Hazardous Fire Area

Purpose: To advise the Permittee that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

Requirement: The Permittee shall construct all structures to meet hazardous fire area building code requirements.

Documentation: A stamped copy of the approved building plans to be retained by the Building and Safety Division.

Timing: The Permittee shall submit building plans to the Building and Safety Division for approval before the issuance of building permits.

Monitoring and Reporting: The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and the Permittee's successors in interest, shall maintain the approved construction for the life of the structure. (VCFPD-46)

28. Hazard Abatement

Purpose: To ensure compliance with Ventura County Fire Protection District Ordinance.

Requirement: The Permittee shall have all grass or brush adjacent to the structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirement for Construction" or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines before the start of construction on any structure.

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Monitoring and Reporting: The Fire Prevention Bureau shall conduct on-site inspections to ensure compliance with this condition. (VCFPD-47)

29. Fire Department Clearance

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

Requirement: The Permittee shall obtain Ventura County Fire Protection District Form #126 “Requirements for Construction” for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the Ventura County Fire Protection District’s Form #126 “Requirements for Construction.”

Timing: The Permittee shall submit Ventura County Fire Protection District Form #126 Application to the Fire Prevention Bureau for approval before issuance of building permits.

Monitoring and Reporting: A copy of the completed Ventura County Fire Protection District 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. (VCFPD-20)