



Planning Director Staff Report – Hearing on January 14, 2016

County of Ventura • Resource Management Agency • Planning Division

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

Container Alliance Manufacturing, Leasing and Storage Facility Case No. PL13-0043

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a modified Planned Development Permit (PD) be granted to authorize a metal products fabrication operation and a Conditional Use Permit (CUP) be granted to authorize the rental and leasing of durable goods (new, used and refurbished containers) with outdoor storage for a 20-year period (Case No. PL13-0043).
2. **Applicant:** Geoff Fargo, 510 Castillo Street, Ste. 340, Santa Barbara, CA 93101
3. **Property Owner:** Don Walker P.O. Box 4812, Ventura, CA 93007
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-5 and §8111-1.2 et seq.) the Planning Director is the decision-maker for the requested Conditional Use Permit and the modification of the Planned Development Permit.
5. **Project Site Location and Parcel Number:** The project site is located at 10998 Nardo Street within the community of Saticoy (APN's: 128-0-022-085) (Attachment A – Location Map). The parcel is 1.06 acre (approx. 45,988 sq. ft.) in size.
6. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: The proposed project has a General Plan land use designation of Existing Community - Urban Reserve. The proposed project is located within the Saticoy area plan with a land use designation of Industrial (IND). (Exhibit 2a).
 - b. Zoning Designation: The proposed project has a zoning designation of M2-10,000 sq. ft. minimum lot size (Limited industrial, 10,000 sq. ft. minimum lot size).

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

Table 1 -- Adjacent Zoning and Land Uses

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	M2-10,000 SF and City of Ventura	Industrial/Warehousing
South	M2-10,000 SF & M3-10,000 SF	Industrial /Warehousing
East	M2-10,000 SF	Industrial /Warehousing
West	M2-10,000 SF & AE-40ac	Industrial and Agricultural production

8. **History:** On August 30, 1962, the Planning Director granted Planned Development Permit (PD) 205 to authorize the storage and maintenance of equipment used in the operation of a salvage and rubbish collection service, with no storage of salvaged materials allowed on the premises at the subject property. Subsequent to the approval of PD-205 in 1962, a recycling operation was commenced on the subject property without benefit of a permit.

On April 30, 1990, the Planning Director granted a Modification to PD-205 to authorize a storage area, scales and a packing machine to an existing recycling operation. Subsequently, the County staff discovered that the original land use for which PD-205 was granted had been abandoned in the 1970s.

On May 3, 1990, the Planning Director granted Parcel Map Waiver (PMW) No. 480 to adjust property lines between existing legal lots. PMW No. 480 was recorded as Document No. 90-084812 in the Ventura County Recorder's office on June 6, 1990.

On April 18, 1991, the Planning Director granted a Modification to PD-205 to legalize the recycling center and to expand the permit boundary to include APN 128-0-030-190 and APN 128-0-022-070. However, the use was never inaugurated.

On May 4, 1992, Zone Change Z-2859 was granted by the Board of Supervisors to rezone the property from "M-2" to M-3" in order for the applicants to maximize their future land use options.

On April 22, 1993, the Planning Commission granted PD permit No.1524 to authorize a contractor's service and storage yard, PD permit No.1525 for a recycling center and Conditional Use Permit (CUP) No. 4754 for dead storage of vehicles for a ten-year period to expire on April 22, 2003.

On November 10, 1994, the Planning Commission denied a requested modification of CUP permit No. 4754 for the automobile wrecking and dismantling yard and its expansion onto the subject property.

On March 19, 2001, the Planning Director granted PD No. 1854 to authorize an open-air pre-fabricated roof truss manufacturing facility.

On September 22, 2015, the Saticoy Area Plan Update was adopted by the Board of Supervisors that re-zoned the subject property from "M-3" to "M-2."

9. Project Description:

Modification of Planned Development (PD) Permit Case No. PL13-0043 - The applicant requests that a modified PD permit No. PL13-0043 be granted to legalize the change of use from a truss manufacturing and storage yard to a metal products fabrication operation (cargo container modifications). The proposed project would include the welding and cutting of steel to modify shipping containers. The modification equipment will be stored outside within a fenced yard as there are no buildings on the property other than a paint/hazardous materials containment structure. Container modification also includes painting with water based paints where less than 50 gallons of paint is stored within an enclosed structure. The accumulations of equipment, containers, and vehicles stored outdoors would be limited to a maximum height of 15-feet within those setbacks along Nardo and Lirio Streets and 17-feet outside of the setbacks to accommodate double stacking of the shipping containers. Water is provided by the City of Ventura and portable toilets are provided by the Permittee for employee for sanitation. Access to the site is provided by two gates connected to Nardo Street. In addition to the change of use, the Modified PD would eliminate the permit expiration date included in the previous permit.

A total of three existing onsite parking spaces will be provided. One of these spaces would be a van-accessible space and another a loading zone space. Mature landscaping that exists along Nardo and Lirio Streets and is located within the right of way would continue to be maintained by the permittee/property owner. Additional landscaping in accordance with the landscape plan would be required to be installed by the Permittee on the project property adjacent to Nardo and Lirio Streets when the existing right-of-way landscaping is removed, destroyed or significantly damaged. Security for the site would continue to be provided by a six-foot high chain link fence with wood slats.

Operating hours (including the operation of forklifts and truck traffic) would be from 8:00 am to 5:00 pm, Monday through Friday, and closed on Saturday and Sunday. The facility would be operated by an average of three employees and/or subcontractors

CUP Case No. PL13-0043: The applicant requests that a CUP be granted to authorize the rental and leasing of new, used and refurbished containers for a 20-year period. The project also includes retail sales of not more than 5% of operation sales, and storage of delivery vehicles, trucks and trailers during idle days, nights and weekends that are related to the rental and leasing of shipping containers. The accumulations of equipment, containers, and vehicles stored outdoors would be limited to a maximum height of 15-feet within the setback areas along Nardo and Lirio Streets and a maximum height of 17-feet outside of the setback areas to accommodate double stacking of the shipping containers.

A total of three parking spaces would be provided on the project site. One of these spaces would be a van-accessible space and another a loading zone space. Mature landscaping that exists along Nardo and Lirio Streets and is located within the public right of way would continue to be maintained by the permittee/property owner. Additional landscaping in accordance with the landscape plan will be required to be installed by the Permittee on the project property adjacent to Nardo and Lirio Streets when the existing right-of-way landscaping is removed, destroyed or significantly damaged. Security for the site would be provided by a six-foot high chain link fence with wood slats.

Operating hours (including the operation of forklifts and truck traffic) would be from 8:00 am to 5:00 pm, Monday through Friday, and closed on Saturday and Sunday. The facility would be operated by an average of three employees and/or subcontractors. Water is provided by the City of Ventura and portable toilets are provided to the employees' for sanitation. Access to the site is provided by two gates connected to Nardo Street.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. Section 15301 of the CEQA Guidelines exempts projects involving negligible or no expansion of use beyond that existing at the time of the lead agency's environmental determination. The proposed project consists of the change of use from a truss manufacturing and storage yard to a metal products fabrication operation and the additional use of rental and leasing of durable goods (containers) and does not include any new structures or any physical changes to the facility.

Therefore, staff recommends that the decision-maker find this project to be categorically exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (April 6, 2015, Edition, 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.

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (§8111-1.2.1.1.a) states that in order to be approved, a Planned Development Permit and a Conditional Use Permit 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:

- 1. General Plan (GP) 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.*

The proposed project would not involve any new water demand. No new impervious areas will be created as part of the project. Thus, the proposed project would not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins. Portable toilets will be used to dispose of domestic waste. Therefore, the proposed project will not create new demand for public sewer facilities.

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

- 2. GP 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. Implementation of the proposed project will not require any construction activities or include the introduction of new uses that could adversely impact biological resources on the site or in the surrounding area.*

No native vegetation exists on the project site. The project site is in an industrial area, and surrounded by contractor service and storage yards and dead storage of automobiles. There is no potential for special status plants to occur on this site. Based on the above discussion, the proposed project is consistent with Policies 1.5.2-1.

3. **GP Resources 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.*

The proposed project involves the change of use from truss manufacturing and storage yard to a metal products fabrication operation. No physical changes in the facility are proposed. The visual character of the project site will not substantially change from the existing condition. The proposed addition of outdoor storage areas would not substantially degrade visual resources because of the existing landscape screening within the right of way of Nardo and Lirio Streets and the limitation on material/container pile height of 17 feet. Thus, no new effect on visual resources will result from project implementation.

The proposed project site is not located within a Scenic Resource Area.

Based on the above discussion, the proposed project is consistent with Policies 1.7.2-1

4. **GP 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.*

The proposed project includes storage of paint, a welding gas mixture of argon and carbon dioxide, and compressed oxygen that is typically associated with the operation of metal products fabrication facility. The hazardous materials will be stored in a designated containment structure (Exhibit 3). The conditions of approval (Exhibit 4, PD Modification Conditions No. 25 and 30, CUP Conditions No. 20) require compliance with State regulations that assure the safe handling, storage and disposal of hazardous materials.

Based on the above discussion, the proposed project is consistent with the Hazards Policy 2.13.2-1.

5. **GP Public Facilities and Services - Fire Protection 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.*

According to the Ventura County Fire Protection District, the existing water supply and access are adequate for fire protection. Response time to the project site from the nearest fire station is adequate and no additional fire stations, equipment, or personnel are warranted. The project will be subject to conditions of approval (Exhibit 4, PD Modification Condition No. 36 and CUP Condition No. 30) to ensure that the currently adequate situation is maintained.

Based on the above discussion, the proposed project will be consistent with the Public Facilities and Services Policy 4.8.2-1.

6. **GP Employment and Commerce/Industry Policy 3.4.2-7:** *Commercial and industrial uses shall be designed and conducted in a manner that is compatible with surrounding land uses such that potential impacts are mitigated to less than significant levels, or, where no feasible mitigation measures are available, a statement of overriding considerations shall be adopted.*

The proposed project will involve the change of use from a truss manufacturing facility to a container modification facility. Outdoor storage areas will be utilized for container modification work and the rental and leasing operations. The existing mature landscaping located within the Nardo and Lirio Street right-of-ways will be required to be maintained. Installation of additional landscaping in accordance with the landscape plan will be required to be installed on the subject property in the event that the existing landscaping in the public right-of-way is removed, destroyed or significantly damaged.

The required landscaping will provide sufficient visual screening of the outdoor storage areas from adjacent uses (Exhibit 4, PD Modification Condition No. 21 and CUP Condition No. 18). This facility has sufficient parking to accommodate the proposed use. The proposed use will be in character with adjacent similar uses on other industrially-zoned land in the vicinity.

Based on the above discussion, the project will be consistent with Policy 3.4.2-7.

7. **GP Hazards - Noise Policy 2.16.2 states (in part):** *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 offsite receptors, and shall recommend noise control measures for mitigating adverse impacts.*

(4) Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the

exterior wall of the building, does not exceed any of the following standards:

- a. *Leq1H of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 6:00 a.m. to 7:00 p.m.*
- b. *Leq1H of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 p.m. to 10:00 p.m.*
- c. *Leq1H of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 p.m. to 6:00 a.m.*

The proposed project will involve the change of use from a truss manufacturing facility to a container modification facility. No substantial increase in the existing noise level is anticipated given the similarity of the currently permitted and proposed uses. In any case, the project would continue to generate noise and has been evaluated as a "noise generator." The nearest noise sensitive use is a residence at approximately 900 feet from the project driveway entrance and exit. The proposed project will generate a minor volume of noise from the arrival and departure of medium and large-sized trucks. Due to the ambient noise in this area caused by traffic on State Route 118, the hourly average noise level along Nardo Street would not increase as a result of the proposed project.

Based on the above discussion, the project is consistent with Noise Policy 2.16.2.

7. **Saticoy Area Plan (SAP) Land Use Policy LU-1.1:** *Discretionary development shall be designed to conserve water used for landscaping by implementing the requirements of the Ventura County Landscape Design Criteria, as amended. Water conservation techniques include, but are not limited to the following:*

- a. *Replace lawns with drought-tolerant ground cover or other drought-tolerant plants;*
- b. *Utilize drought-tolerant trees or plants mixed with hardscapes for areas that require landscaping and, when feasible, use native plants;*
- c. *Install irrigation systems designed to use the minimum amount of water necessary to maintain landscapes; and*
- d. *Use recycled or "gray" water for landscaping.*

GP Resources Policy 1.3.2-5: *Landscape plans for discretionary development shall incorporate water conservation measures as prescribed by the County's Guide to Landscape Plans, including use of low water usage landscape plants and irrigation systems and/or low water usage plumbing fixtures and other measures designed to reduce water usage.*

Drought tolerant, native landscaping has been proposed by the applicant and shown on the landscape plan in compliance with the Ventura County Landscape Design Criteria that includes water conservation measures. The existing mature landscaping located along Nardo and Lirio Streets will remain that needs no irrigation. Installation of additional landscaping in accordance with the conceptual landscape plan would be required to be installed on the subject property along Nardo and Lirio Streets in the event that the existing landscaping located in the public right-of-way is removed, destroyed or significantly damaged. Landscaping will be required to screen public views of the new open storage area. (Exhibit 4, PD Modification Condition No.21 and CUP Condition No. 18).

Based on the above discussion, the project is consistent with Policy LU-1.1.

8. **SAP Mobility Policy MOB-2.2** *Until a new permanent public road between Lirio Avenue and SR 118 is constructed pursuant to MOB-2.1, no new discretionary development shall be approved within the West Industrial Section unless at least one of the following conditions are met:*
- a. *The entire project site is located 800 feet or less from the intersection of Nardo Street and SR 118; or*
 - b. *Secondary access is provided by the developer and approved by the Ventura County Fire Protection District.*

The entire project site is located less than 800 feet from the intersection of Nardo Street and State Route 118. Since one of the above conditions is met that exempts the implementation of this policy.

Based on the above discussion, the project is consistent with Policy MOB-2.2.

9. **SAP Resources Policy RES 1.3** *New industrial development shall be located and designed to avoid the exposure of sensitive receptors (e.g., residential areas, schools, etc.) to hazardous air emissions.*

The proposed facility is approximately 900 feet away from the nearest residential area and is not expected to expose residents to hazardous air emissions. The proposed project includes storage of paint, a welding gas mixture of argon and carbon dioxide, and compressed oxygen that is typically associated with the operation of metal products fabrication facility. The hazardous materials will be stored in a designated containment structure (Exhibit 3). Exhibit 4, PD Modification Condition No. 25 and CUP Condition No. 20 require compliance with State regulations that assure the safe handling, storage and disposal of hazardous materials.

Based on the above discussion, the project is consistent with Policy RES 1.3.

- 10. SAP Resources Policy RES-2.1** *Discretionary development shall be designed to capture and contain any potential spills of pollutants within the development site and ensure they are properly disposed. Such spills, or any polluted runoff from such development, shall not be conveyed into the Santa Clara River, the Brown Barranca, or the Franklin Barranca.*

The proposed project includes storage of paint, a welding gas mixture of argon and carbon dioxide, and compressed oxygen that is typically associated with the operation of a metal products fabrication facility. The hazardous materials will be stored in a designated structure (Exhibit 3). PD Modification Condition No. 25 and CUP Condition No. 20 require compliance with State regulations that assure the safe handling, storage and disposal of hazardous materials.

Based on the above discussion, the project is consistent with Policy RES 2.1.

D. ZONING ORDINANCE COMPLIANCE

The proposed project is subject to the requirements of the Ventura County Non-Coastal Zoning Ordinance.

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-5), the proposed use is allowed in the M2-10,000 sq. ft. zone district with the granting of a Modification of the PD and the CUP Case No. PL13-0043. Upon the granting of the Modification of the PD and the CUP PL13-0043, the Permittee would be in compliance with this requirement.

The proposed project includes the use of an existing paint/hazardous materials storage shed that is subject to the development standards of the Ventura County Non-Coastal Zoning Ordinance (§8106-1.2). Table 2 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 2 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	10,000 SF	Yes
Maximum Percentage of Building Coverage	50% (Per Saticoy Area)	Yes
From the street	15 feet	Yes
Interior Yard Setback	5 feet if Adjacent to an R-zone, otherwise as specified by permit.	N/A
Maximum Building Height	30 feet (May be increased to 60' with Planning Director approval)	N/A

E. CONDITIONAL USE PERMIT AND PLANNED DEVELOPMENT PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant the requested permits pursuant to Section 8111-1.2.1.1 of the Ventura County Non-Coastal Zoning Ordinance. The ability of the decision-maker to make these 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].**

The proposed project will involve the change of use from a truss manufacturing facility to a container modification facility. The existing paint/hazardous materials storage shed and outdoor storage areas will be utilized as part of the proposed container modification and rental and leasing operations. This facility is adequately landscaped and has sufficient parking to accommodate the proposed use. The Permittee shall maintain the existing landscaping along and within the Nardo and Lirio Street right-of-ways. Installation of additional landscaping in accordance with the conceptual landscape plan would be required to be installed on the subject property adjacent to Nardo and Lirio Streets in the event that the landscaping in the public right-of-way is removed, destroyed or significantly damaged (Exhibit 4, PD Modification Condition No. 21 and CUP Condition No. 18). With the implementation of the conditions of approval, the facility will be compatible with nearby industrial land uses.

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

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

No adverse effects on neighboring properties or uses have been identified for the proposed change of use to the existing facility. This facility is adequately landscaped and has sufficient parking to accommodate the proposed uses. In addition to maintenance of the existing right-of-way landscaping, the Permittee will be required to install landscaping on the project site along Nardo and Lirio Streets in the event that the existing landscaping in the public right-of-way is

removed, destroyed or significantly damaged. (Exhibit 4, PD Modification Condition No. 21 and CUP Condition No. 18).

The hours of operation, noise generation, odor emissions, and lighting will be regulated by the conditions of approval to minimize adverse impacts on the adjacent industrial and residential uses (Exhibit 4, PD Modification Condition Nos 1, 2,3, 4, 21, 22, 23, 24, 25, and 39; CUP Condition Nos. 1, 2, 4, 17, 18, 19, 20 and 33).

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

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

As indicated in Section B of this staff report, no significant environmental effects have been identified that would result from the proposed project. No aspect of the project has been identified that would be detrimental to the public interest, health, safety or welfare.

The operation of the facility will not generate significant noise and will not create any substantial new effects on the neighboring properties.

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

5. The proposed development, if allowed by a Planned Development Permit and 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].

As discussed under finding 2 above, the proposed container modification and rental and leasing operations will be compatible with the Industrial land use of the Saticoy Area Plan. No changes in land use in the industrial use of the project site and surrounding properties is foreseeable at this time.

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

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

The subject property is comprised of one legal lot and described as Parcel 2 of Parcel Map Waiver (PMW) No. 480 in the County of Ventura, State of California, recorded on June 6, 1990 as Document No. 90-084812 in the Office of the County Recorder of Ventura County.

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

F. PLANNING DIRECTOR HEARING NOTICE AND PUBLIC COMMENTS

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§65091), Ventura County Non-Coastal Zoning Ordinance (§8111-3.1. The Planning Division mailed notice to owners of property within 300 feet of the subject project site and the City of Ventura. In addition, a legal ad in the Ventura County Star was published. As of the date of this document, no public comments have been received.

G. RECOMMENDED ACTIONS

Based on the information provided above, Planning Division staff recommends that the Planning Director take the following actions:

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND**, that this project is categorically exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a PD Modification and a CUP based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** PD Modification and CUP Case No. PL13-0043, subject to the attached conditions of approval (Exhibit 4); and,
5. **SPECIFY** the Planning Division as the custodian of the documents pertaining to the subject PD Modification and CUP and of the environmental document, and that the location of those documents shall be in the Planning Division files.

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 Nicole Doner at (805) 654-5042 or via e-mail at nicole.doner@ventura.org,

Prepared by:



Nicole Doner, Case Planner
Commercial and Industrial Permits

Reviewed by:



Brian R. Baca, Manager
Commercial and Industrial Permits Section

EXHIBITS

Attachment A – Location Map

Exhibits 2a and 2b - Aerial, General Plan, and Zoning Map
Exhibit 3 - Site Plan for PL13-0043
Exhibit 4 - Conditions of Approval for PD and CUP PL13-0043



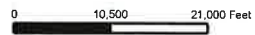
Sources: Esri, DeLorme, NAVTEQ, USGS, Intermap, iPC, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri (Thailand), TomTom, 2012



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-23-2015



County of Ventura
Planning Director Hearing
PL13-0043
Attachment A – Location Map



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

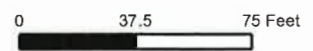




Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 11-23-2015
This aerial imagery is under the
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Source: Pictometry, Jan, 2015



County of Ventura
Planning Director Hearing
PL13-0043
Exhibit 2a – Aerial Map



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Legend
 PL13-0043 Project

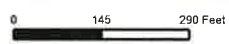
- APN: 128-0-171-085
- General Plan
- Zoning
- Area Plan



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 11-23-2015
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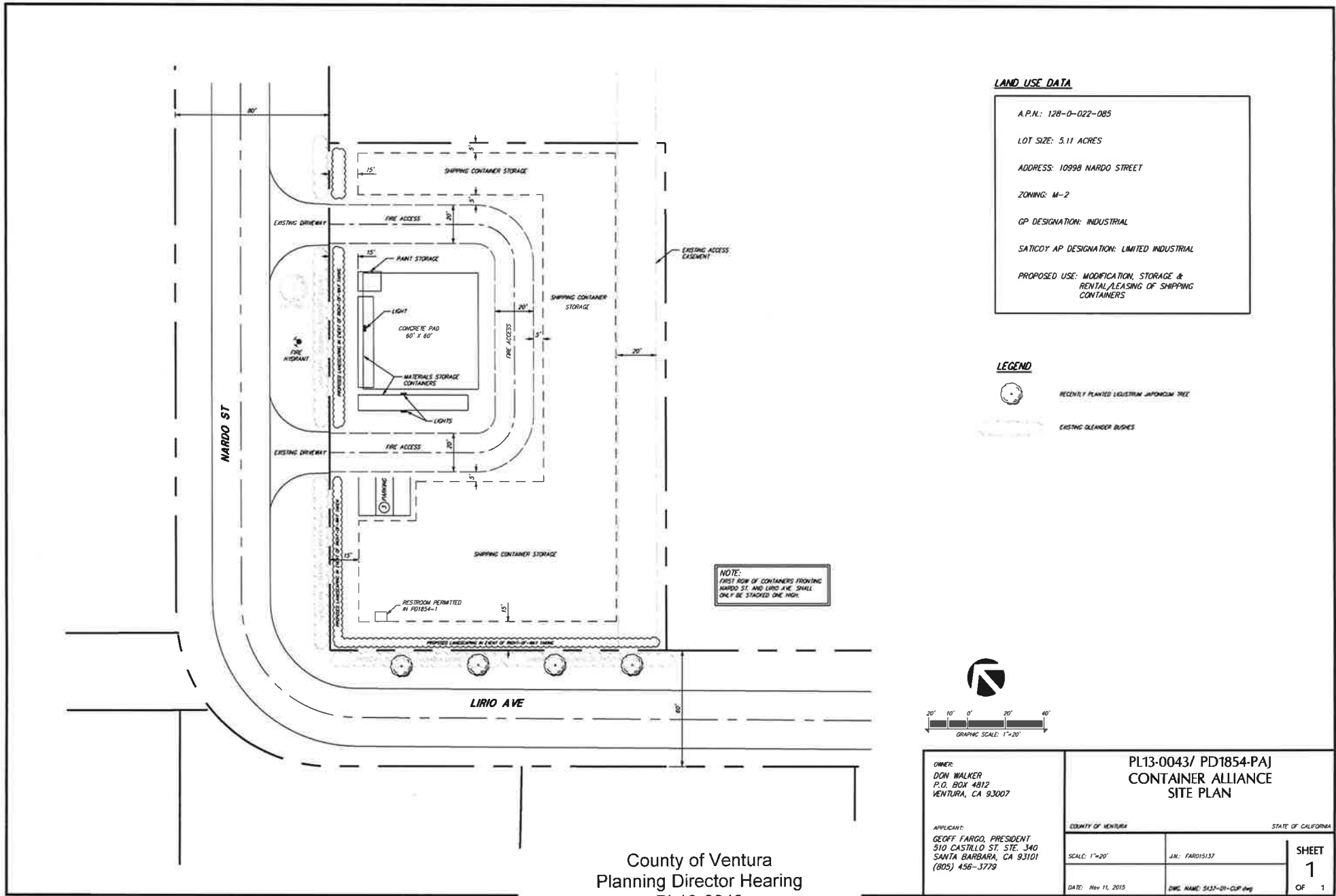


County of Ventura
 Planning Director Hearing
 PL13-0043
 Exhibit 2b – GP & Zoning Map



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LAND USE DATA

A.P.N.: 128-0-022-085

LOT SIZE: 5.11 ACRES

ADDRESS: 10998 NARDO STREET

ZONING: M-2

GP DESIGNATION: INDUSTRIAL

SATCOY AP DESIGNATION: LIMITED INDUSTRIAL

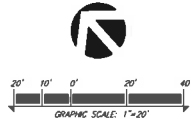
PROPOSED USE: MODIFICATION, STORAGE & RENTAL/LEASING OF SHIPPING CONTAINERS

LEGEND

RECENTLY PLANTED LEUCOSTEMUM JAPONICUM TREE

EXISTING SLENDER BUSHES

NOTE:
FIRST ROW OF CONTAINERS FRONTING NARDO ST AND LIRIO AVE SHALL ONLY BE STACKED ONE HIGH.



OWNER:
DON WALKER
P.O. BOX 4812
VENTURA, CA 93007

PL13-0043/ PD1854-PAJ
CONTAINER ALLIANCE
SITE PLAN

APPLICANT:
GEOFF FARGO, PRESIDENT
310 CASTILLO ST. STE. 340
SANTA BARBARA, CA 93101
(805) 456-3779

COUNTY OF VENTURA STATE OF CALIFORNIA

SCALE: 1"=20'

JIN: FAR015137

DATE: Nov 11, 2015

DWG. NAME: S137-01-CLIP.dwg

SHEET
1
OF 1

County of Ventura
Planning Director Hearing
PL13-0043
Exhibit 3 – Site Plan

C:\VMS\137\Drawings\CLIP\137-01-CLIP.dwg Nov 11, 2015, 4:28pm rjames

**DRAFT Conditions of Approval
Container Alliance
Planned Development Permit No. PL13-0043**

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL)

1. **Project Description**

This Modified Planned Development Permit (PD) authorizes metal product fabrication and storage 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 in support of the project marked Exhibit 3 of the Staff Report (Site Plan dated November 11, 2015) 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:

This permit authorizes the change of use from a truss manufacturing and storage yard to a metal products fabrication operation (cargo container modifications). The proposed project includes the welding and cutting of steel to modify shipping containers. The modification equipment will be stored outside within a fenced yard as there are no buildings on the property other than a paint containment structure. Container modification also includes painting with water based paints where less than 50 gallons of paint is stored within an enclosed structure. The accumulations of equipment, containers, and vehicles stored outdoors would be limited to a maximum height of 15-feet within the setback areas located along Nardo and Lirio Streets and 17-feet outside of the setbacks to accommodate double stacking of the shipping containers. Water is provided by the City of Ventura and portable toilets are provided by the Permittee for employee sanitation. Access to the site is provided by two gates connected to Nardo Street. In addition to the change of use, this Modified PD eliminates the permit expiration date included in the previous permit.

A total of three existing onsite parking spaces will be provided. One of these spaces will be a van-accessible space and another a loading zone space. Mature landscaping that exists along Nardo and Lirio Streets and is located within the public right of way will continue to be maintained by the permittee/property owner. Additional landscaping in accordance with the landscape plan is required to be installed by the Permittee on the project property adjacent to Nardo and Lirio Streets when the existing right-of-way landscaping is removed, destroyed or significantly damaged. Security for the site will continue to be provided by a six-foot high chain link fence with wood slats.

County of Ventura
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PL13-0043

**Exhibit 4 – Conditions of Approval
for PD and CUP PL13-0043**

Operating hours (including the operation of forklifts and truck traffic) will be from 8:00 am to 5:00 pm, Monday through Friday, and closed on Saturday and Sunday. The facility will be operated by an average of three employees and/or subcontractors

2. Days and Hours of Operation

Purpose: In order to maintain land use compatibility with the surrounding industrial and residential uses, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The operation of the approved use shall be limited to Monday through Friday, 8a.m. to 5p.m. The Permittee shall post the hours of operation in an obvious location that can be seen by tenants, subcontractors and vendors. The signage must be made of weatherproof and permanent material, and comply with the *Ventura County Non-Coastal Zoning Ordinance* (Article 10).

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

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

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-2)

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.

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. All equipment will be stored outside within a fenced yard. Hazardous materials storage (50 gallons of paint or less) and the welding gas mixture shall be stored on-site within an enclosed contained structure. The accumulations of equipment, containers, and vehicles stored outdoors would be limited to a maximum height of 15-feet within the setbacks and 17-feet outside of the setbacks.

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*. (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. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency. (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 *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. Use inauguration:

- i. The approval decision for this PD becomes effective upon the expiration of the 10-day appeal period following the Planning Director approval decision or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses provided in Condition No. 1 (Project Description).
- ii. This PD shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year – see the *Ventura County Non-Coastal Zoning Ordinance* (2011, § 8111-4.7) 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 use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the 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 Use Inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this PD.

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.

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 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 Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, 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 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.

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 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 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 (which may include weekday and/or weekend 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 11.a, above), monitoring and enforcement (Condition 11.c, below). The \$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 Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to County, against any and all claims, actions or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration or enforcement of this PD. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties.
- c. Except with respect to claims, actions, proceedings and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County) and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings and Liabilities arising out of or in any way related to the construction, maintenance, land use or operations conducted pursuant to this PD, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this PD, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this PD serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

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 Commission, or Board of Supervisors may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Commission, or Board of Supervisors shall make the determination of adequacy. If the Planning Commission, or Board of Supervisors 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.

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. 14 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.

17. Business License:

Prior to the issuance of Zoning Clearance for Use Inauguration, the Permittee shall demonstrate to the satisfaction of the Planning Director that the Permittee has a temporary or permanent Ventura County Business License Tax Certificate, or is exempt from such requirements. The Permittee shall maintain a current Tax Certificate and prominently display it at the place of business.

18. 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. The designated contact person shall be available, via telecommunication, 24 hours a day.

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.

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

19. Resolution of Complaints

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

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 18 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about a use as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this PD is received by the County, Planning staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the Non-Coastal Zoning Ordinance may be initiated. (PL-18)

20. 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)

21. Landscaping and Screening

Purpose: To comply with the County's landscaping and screening requirements.

Requirement: Landscaping and screening that serves the following functions must be provided and maintained:

- a. Screens undesirable views, incompatible land uses or uses in natural settings. Landscaping and screening plan must be provided to screen the project and the expanded operations from State Route 118.
- b. Provides visual relief and visual integration. Landscaping must be provided that breaks up the expanses of buildings or walls, blends structures with their surroundings along Nardo and Lirio Streets.
- c. Ensures compatibility with community character. Landscaping must be provided that visually integrates the development with the character of the surrounding community.
- d. Restores or reclaims disturbed land. Revegetation must be provided to restore or reclaim disturbed land.

All landscaping must be designed to require minimal amounts of water and to use required water efficiently, in accordance with the water efficiency requirements of the Landscape Design Criteria, and must achieve the following design objectives:

- e. Use Available Non-potable Sources of Water. The landscaping must integrate the harvesting and/or use of alternative, non-potable sources of water, including stormwater, reclaimed water, and gray water, where feasible.
- f. Protection of Solar Access. The landscaping must be design to avoid the introduction of vegetation that would now or in the future cast substantial shadow on existing solar collectors or photovoltaic cells, or impair the function of a nearby building using passive solar heat collection.
- g. Protection of Existing Vegetation. Existing vegetation, especially trees, must be saved and integrated into landscape design wherever feasible, appropriate or required by other regulations (such as the Tree Protection Ordinance).
- h. Create Viable Growing Environment. Landscape design must address the needs of the plants to ensure their health, long-term viability and protection.

- i. **Species Diversity.** The landscape plan must integrate a variety of plant species, heights, colors and textures, as appropriate given the size of the landscape.
- j. **Use Native and Non-Invasive Plant Species.** In accordance with Saticoy Area Plan, landscaping must utilize plants that are native to the Santa Clara River watershed.

Documentation: The Permittee shall submit to the County of Ventura Planning Division for review and approval three sets of a draft landscape plan, prepared by a California registered landscape architect (or other qualified individual as approved by the Planning Director), demonstrating compliance with the above requirements, §8109-0.6 (Landscaping) of the *Non-Coastal Zoning Ordinance/Coastal* and the County's *Landscape Design Criteria*. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to the County of Ventura Planning Division a statement from the project landscape architect that all landscaping has been installed as shown on the approved landscape plan. Any changes to approved landscape plans that affect the character or quantity of the plant material or irrigation system design must be approved by the Planning Director prior to installation.

The landscape plan shall include an estimate of the costs to install and maintain the required landscaping for one year. The Permittee shall obtain a Financial Assurance Acknowledgement form from the Planning Division. The Permittee shall submit the required financial assurance and the completed Financial Assurance Acknowledgement form to the Planning Division.

Timing: The installation of landscape screening may be postponed for up to 15 years or at such time as the County/Permittee/Property Owner improves the road and removes the existing landscape screening along Nardo and/or Lirio Streets, or at any time when the existing landscape screening along Nardo and/or Lirio Streets is removed, destroyed or significantly damaged. The Permittee shall submit the landscape plan to the Planning Division for review and approval prior to issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The Planning Division maintains the landscape plans and statement by the landscape architect provided by the Permittee in the project file and has the authority to periodically confirm that the landscaping is maintained by the Permittee in accordance with the approved plan consistent with the requirements of § 8114-3 of the *Non-Coastal Zoning Ordinance*. (PL-21)

22. Lighting Plan

Purpose: To ensure future lighting on the subject property is provided in compliance with § 8106-8.6 and § 8108-5.12 of the *Ventura County Non-Coastal Zoning Ordinance* and:

- a. avoids interference with reasonable use of adjoining properties;
- b. avoids conflict with landscape features;
- c. minimizes on-site and eliminates off-site glare;

- d. provides adequate on-site lighting for security;
- e. minimizes impacts to wildlife movement;
- f. minimizes energy consumption; and,
- g. includes devices that are compatible with the design of the permitted facility and minimize energy consumption.

Requirement: The Permittee shall submit two copies of a lighting plan 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. In order to minimize light and glare from the Project, all parking lots, exterior structure light fixtures, and freestanding light standards must be high cut-off type that divert lighting downward onto the property to avoid the casting of any direct light onto any adjacent property or roadway. 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. 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 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 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-22)

23. Sign Plan

Purpose: To ensure signage on the property complies with *Chapter 1, Article 10 of the Ventura County Non-Coastal Ordinance*.

Requirement: The Permittee shall submit two copies of a sign plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction. The sign plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval.

Documentation: A stamped copy of the approved sign plan.

Timing: The Permittee shall submit the sign plan to the Planning Division for review and approval prior to the issuance of a Zoning Clearance for construction.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved sign plan in the project file. The Permittee shall be responsible for obtaining a Zoning Clearance for any new or replacement sign to assure that the signage for the project continues to comply with the approved sign plan and *Chapter 1, Article 10 of the Ventura County Non-Coastal Ordinance*. 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-23)

24. Trash and Recycling Storage Area

Purpose: In order to comply with § 8106-8.7 and § 8108-5.13 of the *Ventura County Non-Coastal Zoning Ordinance*.

Requirement: The Permittee shall ensure that trash and waste diversion (e.g., recyclables and yard waste) enclosures are constructed and maintained on the project site in accordance with the County of Ventura's adopted "*Space Allocation for Recycling and Refuse Collection Design Criteria and Specifications Guidelines*."

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall illustrate the enclosures on all development plans for review and approval by the Planning Division. The Permittee shall install the trash enclosures prior to occupancy.

Documentation: A copy of the approved site plan.

Monitoring and Reporting: The Planning Division maintains a copy of the approved site plan in the project file. The Planning Division has the authority to inspect the site to ensure that the enclosures are constructed as illustrated on the approved plans prior to occupancy. The Planning Division has the authority to periodically inspecting the site to ensure that the trash enclosures are maintained consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance* (PL-30)

Environmental Health Division (EHD)

25. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations.

PUBLIC WORKS AGENCY (PWA)

PWA Transportation Department

26. Road Improvements

Purpose: Road improvements shall be required when the existing road does not meet the current applicable County Road Standard Plate.

Requirement: Road improvements are required in accordance with the County Road Standards, GP 4.2.2; Ordinance 1607 dated November 10, 1964; the "Paveout Policy" dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Nardo Street has an existing road width of 20 feet. The minimum required road width is 40 feet per Road Standard Plate B-3 [D]. Lirio Avenue has an existing road width of 36 feet. The minimum required road width is 40 feet per Road Standard Plate B-3 [D].

- a. Construct appropriate width of road pavement (half of minimum road width required) along the parcel's frontage on Nardo Street in accordance with Road Standard Plate B-3 [D]. Submit road improvement plans prepared by a registered Civil Engineer to the PWA Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the PWA Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the PWA Transportation Department that the surety has been posted.
- b. Construct appropriate width of road pavement (half of minimum road width required) along the parcel's frontage on Lirio Avenue in accordance with Road Standard Plate B-3 [D]. Submit road improvement plans prepared by a registered Civil Engineer to the PWA Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the PWA Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the PWA Transportation Department that the surety has been posted.
- c. In lieu of "a" and "b" above, the road improvements on Nardo Street may be postponed for up to 15 years or at such time as the County improves the road, whichever is less. The applicant/permittee or property owner shall pay a pro-rata share of the road improvements along the property frontage if the County decides to improve the road within the time specified above. Prior to issuance of a Zoning Clearance for Use Inauguration, the applicant/permittee or property owner shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the Transportation Department as proof of compliance

- d. In addition to the written acknowledgement in “c” above, the applicant/permittee shall acknowledge that future roadway improvements may be required as a result of the Saticoy Area Plan Update currently under review or any roadway access improvements required by developments in the City of Ventura jurisdiction west of Nardo Street. The jurisdictional boundary is just west of the Brown Barranca. Improvements to Nardo Street and/or Lirio Avenue may be required as part of the development of these lands near the city/County jurisdictional boundary. If future roadway improvements are required, then such improvements would be according to a more stringent roadway standard than CRS B-3 [D], including sidewalk, curb and gutter, and/or any other roadway features required by the roadway standard or revised roadway standard.

Documentation: If “a” and “b” are chosen, then submit road improvement plans, an agreement, and proof of posting the surety. If “c” and “d” are chosen, then submit the written acknowledgement.

Timing: This condition shall be met prior to the Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The PWA Transportation Department will review the improvement plans, agreement, and surety for conformance with the project conditions.

27. Encroachment Permit

Purpose: An Encroachment Permit (EP) is required for any work conducted within the County right-of-way.

Requirement: The applicant/permittee shall contact the Encroachments Division at 654-2055 for requirements of the permit.

Documentation: The application shall be submitted to the PWA Transportation Department. When applying for the permit, the applicant/permittee shall provide sufficient documentation for processing the EP.

Timing: This condition shall be met prior to the Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The PWA Transportation Department will review the application and supporting documentation. The PWA Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit.

PWA - Integrated Waste Management Division (IWMD)

28. **Waste Diversion & Recycling Requirement**

Purpose: To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at www.vcpublishworks.org/ord4445.

Requirement: Ordinance 4445, Sec 4770-2.3, requires the Permittee to work with a County-franchised solid waste hauler who can determine the level of service required to divert recyclables generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublishworks.org/commercialhaulers.

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Timing: Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

Monitoring and Reporting: Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill. (IWMD -1)

29. **Collection and Loading Areas for Refuse and Recyclables**

Purpose: To comply with the California Solid Waste Reuse and Recycling Access Act of 1991 (CA Public Resources Code 42900-42901).

Requirement: The Permittee shall adhere to the County's Space Allocation Guidelines which include minimum space requirements for refuse and recycling bins and recommend aesthetic, gated, trash enclosures. Please review the County's Space Allocation Guidelines at: www.vcpublishworks.org/SpaceAllocation.

Documentation: The Permittee shall submit a site plan to the IWMD indicating the location of a trash enclosure, or a designated area on the project site, with sufficient space to accommodate refuse and recycling bins necessary to meet the needs of the project.

Timing: Prior to Issuance of a Zoning Clearance for Construction or Use Inauguration, the Permittee must submit a site plan to the IWMD for review/approval that indicates the location of a trash enclosure or a designated area for refuse and recycling bins on the property.

Monitoring & Reporting: Upon request, the Permittee shall allow IWMD staff to verify the location of a trash enclosure or a designated area for trash and recycling bins on the property. (IWMD-4)

30. Commercial Vehicles and Equipment - Used Oil Recycling

Purpose: To ensure the recycling of motor oil, oil filters, and the removal of antifreeze from commercial vehicles and equipment.

Requirement: The Permittee shall ensure compliance with state and federal hazardous waste regulations. See: <http://www.calrecycle.ca.gov/UsedOil/PolicyLaw/>. The Permittee shall contract with a registered hazardous waste transporter to ensure motor oil, oil filters, and antifreeze generated by their business is taken to a registered used oil recycling facility. A list of registered hazardous waste transporters is available at: <http://www.dtsc.ca.gov/database/Transporters/Trans000.cfm>. A list of registered used oil recycling facilities is available at: www.calrecycle.ca.gov/UsedOil/Reports/CenterSearch/Default.aspx?lang=en-US.

Documentation: The Permittee shall keep original billing statements generated by their registered hazardous waste transporter(s) to verify compliance with this condition.

Timing: Original billing statements must be kept on file for a minimum of three years.

Monitoring and Reporting: Upon request, the Permittee shall provide IWMD with copies of their current billing statements to verify that used motor oil, oil filters, and antifreeze generated by vehicles and equipment permitted for use by this CUP are properly recycled. (IWMD-5)

OTHER VENTURA COUNTY AGENCIES CONDITIONS

Ventura County Fire Protection District (VCFPD)

31. Address Numbers (Commercial, Industrial, Multi-Family Buildings)

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

Requirement: The Permittee shall install a minimum of 10 inch (10") address numbers that are a contrasting color to the background and readily visible at night. Brass or gold plated numbers shall not be used. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches (4") in height and shall be posted at the front and rear entrance to each unit.

Documentation: A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

Timing: The Permittee shall install address numbers before final occupancy.

Monitoring and Reporting: A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction" shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form.

32. Access Road / Driveway Maintenance

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 maintain all on-site access road(s) and driveway(s) not included in a maintenance agreement. Repairs shall be made as needed or as required by the Fire District to maintain the original design and installation of the access road(s) and driveway(s).

Documentation: A copy of the Covenants, Conditions and Restrictions or such other documentation as may be deemed acceptable by the Fire Prevention Bureau.

Timing: The Permittee shall provide evidence of provisions for maintenance must be submitted to the Fire Prevention Bureau prior to [occupancy].

Monitoring and Reporting: The Fire District has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary. The Permittee shall be responsible for ongoing maintenance of the access road and driveways and shall conduct repairs as required by the Fire District. (VCFPD-10)

33. Turning Radius

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

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

Documentation: 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 his successors in interest, shall maintain the access for the life of the development.

34. Access Road Certification

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 have all alternate surface access road(s)/driveway(s) certified by a registered Civil Engineer as having an all-weather surface in conformance with Public Works and / or Fire District Standards.

Documentation: A copy of the approved road certification.

Timing: The Permittee shall submit the certification to the Fire Prevention Bureau for approval before final occupancy of any new structures.

Monitoring and Reporting: A copy of the certification shall be kept on file with the Fire Prevention Bureau. (VCFPD-24)

35. 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 and maintain 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 zoning clearance issued by the Planning Department.

Monitoring and Reporting: A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the gates for the life of the development. (VCFPD-30)

36. Fire Flow

Purpose: To ensure that adequate water supply is available to the project for firefighting purposes.

Requirement: The Permittee shall verify that the water purveyor can provide the required volume and duration at the project. The minimum required fire flow shall be determined as specified by the current adopted edition of the Ventura County Fire Code and the applicable Water Manual for the jurisdiction (whichever is more restrictive). Given the present plans and information, the required fire flow is approximately 2250 gallons per minute at 20 psi for a minimum 2 hour duration. A minimum flow of 1250 gallons per minute shall be provided from any one hydrant. Note: For Commercial, Industrial, Multi-family buildings, a minimum fire flow of 1,000 GPM shall be provided from each hydrant when multiple hydrants are flowing at the same time.

Documentation: A signed copy of the water purveyor's fire flow certification.

Timing: The Permittee shall submit a signed copy of the water purveyor's certification to the Fire Prevention Bureau for approval before the issuance of any new building permits.

Monitoring and Reporting: A copy of the fire flow certification shall be kept on file with the Fire Prevention Bureau. (VCFPD-32)

37. Access Driveways Design, Contractor Storage Yards

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 drive aisles having a minimum clear width of 25 feet.

- a. Without buildings in the yards, installation shall comply with
 - i. Main access road into the site shall be asphalt or concrete or approved all-weather surface
 - ii. Remainder of drive aisles to each storage yard shall meet residential standards or beyond and be engineered to support additional expected loads based upon use of the yards
 - iii. No requirements within each storage yard when access from all points within the yard are located within 250 feet of an approved surface drive aisle. Larger yards may need additional alternate surface access within the yard
 - iv. Hazardous operations and hazardous material storage may require full paved access
- b. With buildings in the yards, installation shall comply with:
 - i. Full paved access to within 150 feet of all portions of the exterior walls of each building.

Documentation: A stamped copy of the approved access plan.

Timing: The access plan shall be approved prior to issuance of any new building permit. All required access shall be installed before the start of construction/business operations.

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

38. Fire Code Permits

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

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

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

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

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

39. Prefabricated Sea Cargo / Metal Storage Containers

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

Requirement: The Permittee shall submit the project plans and documentation indicating that the proposed sea vans and containers meet the Ventura County Fire Protection District Standards and Fire Codes and the Ventura County Building Code, to the Ventura County Building Department and Ventura County Fire Prevention Bureau.

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

Timing: Prior to issuance of a Zoning Clearance for Use Inauguration, the project plans and documentation must be submitted to the Ventura County Fire Prevention Bureau and Ventura County Building Department for their approval.

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

DRAFT CONDITIONS OF APPROVAL

THE CONTAINER ALLIANCE FACILITY CONDITIONAL USE PERMIT (No. PL13-0043)

The uses authorized by this Conditional Use Permit include the components of the subject Container Alliance facility located at 10998 Nardo Street, Saticoy. This facility also operates pursuant to Planned Development Permit PL13-0043.

RESOURCE MANAGEMENT AGENCY (“RMA”) –CONDITIONS

Planning Division

1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description below, all County land use hearing attachments in support of the project marked Exhibit 4 of the Staff Report (Site Plan dated November 11, 2015), 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 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:

This permit authorizes the rental and leasing of new, used and refurbished containers for a 20-year period. The project also includes retail sales of not more than 5% of operation sales, and storage of delivery vehicles, trucks and trailers during idle days, nights and weekends that are related to the rental and leasing of shipping containers. The accumulations of equipment, containers, and vehicles stored outdoors is limited to a maximum height of 15-feet within the setback areas along Nardo and Lirio Streets and a maximum height of 17-feet outside of the setback areas to accommodate double-stacking of the shipping containers.

A total of three parking spaces will be provided on the project site. One of these spaces is a van-accessible space and another a loading zone space. Mature landscaping that exists along Nardo and Lirio Streets and is located within the public right of way will continue to be maintained by the permittee/property owner. Additional landscaping in accordance with the landscape plan is required to be installed by the Permittee on the project property adjacent to Nardo and Lirio Streets when the existing right-of-way landscaping is removed, destroyed or significantly damaged. Security for the site will be provided by a six-foot high chain link fence with wood slats.

Operating hours (including the operation of forklifts and truck traffic) will continue to be from 8:00 am to 5:00 pm, Monday through Friday, and closed on Saturday and Sunday. The facility will be operated by an average of three employees and/or subcontractors. Water is provided by the City of Ventura and portable toilets are provided by the Permittee for employee for sanitation. Access to the site is provided by two gates connected to Nardo Street.

2. Days and Hours of Operation

Purpose: In order to maintain land use compatibility with the surrounding industrial and residential uses, it is necessary to limit the days and hours of operation of the approved use.

Requirement: The operation of the approved use shall be limited to:

- Monday through Friday, 8a.m. to 5p.m.
- One shift per day.
- Maximum number of deliveries are five round trips per day.
- Maximum number of employees/subcontractors working on-site are three.

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

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

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

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance by the Permittee with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-2)

3. Time Limits

a. Use inauguration:

- i. The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the Planning Director approval decision or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to initiate the land uses provided in Condition No. 1 (Project Description).
- ii. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year – see the *Ventura County Non-Coastal Zoning Ordinance* (2011, § 8111-4.7) from the granting or approval of this CUP. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, 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 Use Inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Life or Operations Period:

Acceptance of Conditions and Sched This CUP will expire on January 14, 2036. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the *Ventura County Non-Coastal Zoning Ordinance* prior to January 14, 2036; and
2. The County decision-maker grants the requested modification.

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

4. Acceptance of Conditions and Schedule of Enforcement Responses

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

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

5. CUP 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 CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 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)

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

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 CUP.

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

Documentation: The Permittee shall provide this documentation to 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 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)

7. 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 7.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 (which may include weekday and/or weekend inspections), public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said 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 CUP, 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
 - ii. costs incurred for Condition Compliance review (Condition 7.a, above), monitoring and enforcement (Condition 7.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
 - iii. 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 7.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 CUP 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 CUP. The Permittee shall have the right to challenge any charge prior to payment.

8. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to County, against any and all claims, actions or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.

- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties.
- c. Except with respect to claims, actions, proceedings and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County) and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings and Liabilities arising out of or in any way related to the construction, maintenance, land use or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County and/or third parties. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

9. 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.

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 tax assessor's parcel that is subject to this CUP.

Documentation: Recorded Notice of Land Use Entitlement.

Timing: Prior to the issuance of a Zoning Clearance for 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.

10. Construction Activities

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

11. 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.

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of this CUP, the County shall confer in writing with the Permittee regarding the necessary work to be contracted, as well as the 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.

12. Relationship of CUP Conditions, Laws and Other Permits

The Permittee shall design, maintain, and operate the CUP 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 CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

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

A business tax certificate and regulatory licenses shall be obtained for operation of Container Alliance facilities.

13. Contact Person

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

Requirement: The Permittee shall designate a contact person(s) to respond to complaints from citizens and the County which are related to the permitted uses of this CUP. The designated contact person shall be available, via telecommunication, 24 hours a day.

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 CUP site.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall provide the Planning Division the contact information of the Permittee's field agent(s) for the project file. If the address or phone number of the Permittee's field agent(s) should change, or the responsibility is assigned to another person, the Permittee shall provide 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*.

14. 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 CUP 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 Resolution of Complaints

15. Resolution of Complaints

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

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 13 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about a use as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this CUP is received by the County, Planning staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,

- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the *Non-Coastal Zoning Ordinance* may be initiated. (PL-18)

16. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining CUP 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 CUP shall be allowed to continue in force until the expiration of the limitation period applicable to such action, or until final resolution of such action, provided the Permittee has, in the interim, fully complied with the fee, exaction, dedication, or other mitigation measure being challenged.

If 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 CUP, at the discretion of the Planning Director, the Planning Commission, or Board of Supervisors may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Commission, or Board of Supervisors shall make the determination of adequacy. If the Planning Commission, or Board of Supervisors cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

17. Availability of Parking Spaces

Purpose: To ensure compliance with all applicable provisions in §8108-4.7 of the *Ventura County Non-Coastal Zoning Ordinance*, the appropriate number of parking spaces shall be provided.

Requirement: The Permittee shall ensure that the required three motor vehicle parking spaces (including accessible spaces) remain continuously available during the hours of operations for their intended parking use by customers and employees. The parking spaces are not to be used for merchandise and equipment storage, vehicle repair, merchandise/materials testing, permittee truck parking (see Condition No. 1), or truck loading or any other unauthorized use. The Permittee and Property Owner shall maintain the required parking area as illustrated on the approved site plan. This maintenance requirement includes, but is not limited to the number of parking spaces, curbs, directional markings, accessible parking symbols, screening, sight distance, surfaces, signs, striping, lighting fixtures, landscaping, and trash and recyclables enclosures.

Documentation: The Permittee shall submit a stamped copy of the approved site plan to the Planning Division.

Timing: The Permittee shall install all components of the required parking area as indicated on the approved site plan prior to occupancy, and shall maintain the required parking area as illustrated on the approved site plan for the life of the permit.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved site plan provided by the Permittee in the project file. The Building and Safety Inspector and Planning Division have the authority to inspect the site to ensure compliance with the approved site plan prior to occupancy. The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of §8108-5.6 et seq. of the *Ventura County Non-Coastal Zoning Ordinance*.

18. Landscaping and Screening

Purpose: To comply with the County's landscaping and screening requirements.

Requirement: Landscaping and screening that serves the following functions must be provided and maintained:

- a. Screens undesirable views, incompatible land uses or uses in natural settings. Landscaping and screening plan must be provided to screen the project and the expanded operations from State Route 118.
- b. Provides visual relief and visual integration. Landscaping must be provided that breaks up the expanses of walls, blends structures with their surroundings along Nardo and Lirio Streets.
- c. Ensures compatibility with community character. Landscaping must be provided that visually integrates the development with the character of the surrounding community.
- d. Restores or reclaims disturbed land. Revegetation must be provided to restore or reclaim disturbed land.

All landscaping must be designed to require minimal amounts of water and to use required water efficiently, in accordance with the water efficiency requirements of the Landscape Design Criteria, and must achieve the following design objectives:

- e. Use Available Non-potable Sources of Water. The landscaping must integrate the harvesting and/or use of alternative, non-potable sources of water, including stormwater, reclaimed water, and gray water, where feasible.
- f. Protection of Solar Access. The landscaping must be design to avoid the introduction of vegetation that would now or in the future cast substantial shadow on existing solar collectors or photovoltaic cells, or impair the function of a nearby building using passive solar heat collection.
- g. Protection of Existing Vegetation. Existing vegetation, especially trees, must be saved and integrated into landscape design wherever feasible, appropriate or required by other regulations (such as the Tree Protection Ordinance).
- h. Create Viable Growing Environment. Landscape design must address the needs of the plants to ensure their health, long-term viability and protection.
- i. Species Diversity. The landscape plan must integrate a variety of plant species, heights, colors and textures, as appropriate given the size of the landscape.
- j. Use Native and Non-Invasive Plant Species. In accordance with Saticoy Area Plan, landscaping must utilize plants that are native to the Santa Clara River watershed.

Documentation: The Permittee shall submit to the County of Ventura Planning Division for review and approval three sets of a draft landscape plan, prepared by a California registered landscape architect (or other qualified individual as approved by the Planning Director), demonstrating compliance with the above requirements, §8109-0.6 (Landscaping) of the *Non-Coastal Zoning Ordinance/Coastal* and the County's *Landscape Design Criteria*. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to the County of Ventura Planning Division a statement from the project landscape architect that all landscaping has been installed as shown on the approved landscape plan. Any changes to approved landscape plans that affect the character or quantity of the plant material or irrigation system design must be approved by the Planning Director prior to installation. The landscape plan shall include an estimate of the costs to install and maintain the required landscaping for one year.

Timing: The installation of landscape screening may be postponed for up to 15 years or at such time as the County/Permittee/Property Owner improves the road or at any time when the existing landscape screening along Nardo and/or Lirio is removed, damaged or destroyed, whichever is less. The Permittee shall submit the landscape plan to the Planning Division for review and approval prior to issuance of a Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The Planning Division maintains the landscape plans and statement by the landscape architect provided by the Permittee in the project file and has the authority to periodically confirm that the landscaping is maintained by the Permittee in accordance with the approved plan consistent with the requirements of § 8114-3 of the *Non-Coastal Zoning Ordinance*.

19. Lighting Plan

Purpose: To ensure lighting on the subject property is provided in compliance with § 8106-8.6 and § 8108-5.12 of the *Ventura County Non-Coastal Zoning Ordinance* and:

- a. avoids interference with reasonable use of adjoining properties;
- b. avoids conflict with landscape features;
- c. minimizes on-site and eliminates off-site glare;
- d. provides adequate on-site lighting for security;
- e. minimizes impacts to wildlife movement;
- f. minimizes energy consumption; and,
- g. includes devices that are compatible with the design of the permitted facility and minimize energy consumption.

Requirement: The Permittee shall submit two copies of a lighting plan 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. In order to minimize light and glare from the Project, all parking lots, exterior structure light fixtures, and freestanding light standards must be high cut-off type that divert lighting downward onto the property to avoid the casting of any direct light onto any adjacent property or roadway. 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. 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 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 periodic site inspections to ensure ongoing compliance with this

Environmental Health Division

20. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations

PUBLIC WORKS AGENCY CONDITIONS

Transportation Division

21. Road Improvements

Purpose: Road improvements shall be required when the existing road does not meet the current applicable County Road Standard Plate.

Requirement: Road improvements are required in accordance with the County Road Standards, General Plan 4.2.2; Ordinance 1607 dated November 10, 1964; the "Paveout Policy" dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development. Nardo Street has an existing road width of 20 feet. The minimum required road width is 40 feet per Road Standard Plate B-3 [D]. Lirio Avenue has an existing road width of 36 feet. The minimum required road width is 40 feet per Road Standard Plate B-3 [D].

- a. Construct appropriate width of road pavement (half of minimum road width required) along the parcel's frontage on Nardo Street in accordance with Road Standard Plate B-3 [D]. Submit road improvement plans prepared by a registered Civil Engineer to the PWA Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the PWA Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the PWA Transportation Department that the surety has been posted.

- b. Construct appropriate width of road pavement (half of minimum road width required) along the parcel's frontage on Lirio Avenue in accordance with Road Standard Plate B-3 [D]. Submit road improvement plans prepared by a registered Civil Engineer to the PWA Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the PWA Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the PWA Transportation Department that the surety has been posted.
- c. In lieu of "a" and "b" above, the road improvements on Nardo Street and Lirio Avenue may be postponed for up to 15 years or at such time as the County improves the road, whichever is less. The applicant/permittee or property owner shall pay a pro-rata share of the road improvements along the property frontage if the County decides to improve the road within the time specified above. Prior to Recordation of the Final Map, the applicant/permittee or property owner shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the PWA Transportation Department as proof of compliance.
- d. In addition to the written acknowledgement in "c" above, the applicant/permittee shall acknowledge that future roadway improvements may be required as a result of the Saticoy Area Plan Update currently under review or any roadway access improvements required by developments in the City of Ventura jurisdiction west of Nardo Street. The jurisdictional boundary is just west of the Brown Barranca. Improvements to Nardo Street and/or Lirio Avenue may be required as part of the development of these lands near the city/County jurisdictional boundary. If future roadway improvements are required, then such improvements would be according to a more stringent roadway standard than CRS B-3 [D], including sidewalk, curb and gutter, and/or any other roadway features required by the roadway standard or revised roadway standard.

Documentation: If "a" and "b" are chosen, then submit road improvement plans, an agreement, and proof of posting the surety. If "c" and "d" are chosen, then submit the written acknowledgement.

Timing: This condition shall be met prior to the issuance of the Zoning Clearance for Use Inauguration.

Monitoring and Reporting: The PWA Transportation Department will review the improvement plans, agreement, and surety for conformance with the project conditions.

22. Encroachment Permit

Purpose: An Encroachment Permit (EP) is required for any work conducted within the County right-of-way.

Requirement: The applicant/permittee shall contact the Encroachments Division at 654-2055 for requirements of the permit.

Documentation: The application shall be submitted to the PWA Transportation Department. When applying for the permit, the applicant/permittee shall provide sufficient documentation for processing the EP.

Timing: This condition shall be met prior to the Zoning Clearance for Use Inauguration

Monitoring and Reporting: The PWA Transportation Department will review the application and supporting documentation. The PWA Transportation Department Inspectors will monitor construction and verify that the work is performed in accordance with the Encroachment Permit.

PWA - Integrated Waste Management Division (IWMD)

23. Waste Diversion & Recycling Requirement

Purpose: To ensure the project complies with Ordinance No. 4445. Ordinance 4445 pertains to the diversion of recyclable materials generated by this project (e.g., paper, cardboard, wood, metal, greenwaste, soil, concrete, plastic containers, beverage containers) from local landfills through recycling, reuse, or salvage. Ordinance 4445 can be reviewed at www.vcpublicworks.org/ord4445.

Requirement: Ordinance 4445, Sec 4770-2.3, requires the Permittee to work with a County-franchised solid waste hauler who can determine the level of service required to divert recyclables generated by their project from local landfills. For a complete list of County-franchised solid waste haulers, go to: www.vcpublicworks.org/commercialhaulers.

Documentation: The Permittee must maintain copies of bi-monthly solid waste billing statements for a minimum of one year. The address on the billing statement must match the address of the permitted business.

Monitoring and Reporting: Upon request, the Permittee shall allow IWMD staff to perform a free, on-site, waste audit to verify recyclable materials generated by their business are being diverted from the landfill.

Timing: Upon request, the Permittee must provide the IWMD with a copy of a current solid waste billing statement to verify compliance with this condition.

24. Collection and Loading Areas for Refuse and Recyclables

Purpose: To comply with the California Solid Waste Reuse and Recycling Access Act of 1991 (CA Public Resources Code 42900-42901).

Requirement: The Permittee shall adhere to the County's Space Allocation Guidelines which include minimum space requirements for refuse and recycling bins and recommend aesthetic, gated, trash enclosures. Please review the County's Space Allocation Guidelines at: www.vcpublicworks.org/SpaceAllocation.

Documentation: The Permittee shall submit a site plan to the IWMD indicating the location of a trash enclosure, or a designated area on the project site, with sufficient space to accommodate refuse and recycling bins necessary to meet the needs of the project.

Timing: Prior to Issuance of a Zoning Clearance for Construction or Use Inauguration, the Permittee must submit a site plan to the IWMD for review/approval that indicates the location of a trash enclosure or a designated area for refuse and recycling bins on the property.

Monitoring & Reporting: Upon request, the Permittee shall allow IWMD staff to verify the location of a trash enclosure or a designated area for trash and recycling bins on the property.

OTHER VENTURA COUNTY AGENCIES CONDITIONS

Ventura County Fire Protection District (VCFPD)

25. Address Numbers (Commercial, Industrial, Multi-Family Buildings)

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

Requirement: The Permittee shall install a minimum of 10 inch (10") address numbers that are a contrasting color to the background and readily visible at night. Brass or gold plated numbers shall not be used. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches (4") in height and shall be posted at the front and rear entrance to each unit.

Documentation: A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

Timing: The Permittee shall install address numbers before final occupancy.

Monitoring and Reporting: A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction" shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form.

26. Access Road / Driveway Maintenance

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 maintain all on-site access road(s) and driveway(s) not included in a maintenance agreement. Repairs shall be made as needed or as required by the Fire District to maintain the original design and installation of the access road(s) and driveway(s).

Documentation: A copy of the Covenants, Conditions and Restrictions or such other documentation as may be deemed acceptable by the Fire Prevention Bureau.

Timing: The Permittee shall provide evidence of provisions for maintenance must be submitted to the Fire Prevention Bureau prior to [occupancy].

Monitoring and Reporting: The Fire District has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary. The Permittee shall be responsible for ongoing maintenance of the access road and driveways and shall conduct repairs as required by the Fire District. (VCFPD-10)

27. Turning Radius

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

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

Documentation: 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 his successors in interest, shall maintain the access for the life of the development.

28. Access Road Certification

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 have all alternate surface access road(s)/driveway(s) certified by a registered Civil Engineer as having an all-weather surface in conformance with Public Works and / or Fire District Standards.

Documentation: A copy of the approved road certification.

Timing: The Permittee shall submit the certification to the Fire Prevention Bureau for approval before final occupancy of any new structures.

Monitoring and Reporting: A copy of the certification shall be kept on file with the Fire Prevention Bureau. (VCFPD-24)

29. 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 and maintain 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 zoning clearance issued by the Planning Department.

Monitoring and Reporting: A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the gates for the life of the development. (VCFPD-30)

30. Fire Flow

Purpose: To ensure that adequate water supply is available to the project for firefighting purposes.

Requirement: The Permittee shall verify that the water purveyor can provide the required volume and duration at the project. The minimum required fire flow shall be determined as specified by the current adopted edition of the Ventura County Fire Code and the applicable Water Manual for the jurisdiction (whichever is more restrictive). Given the present plans and information, the required fire flow is approximately 2250 gallons per minute at 20 psi for a minimum 2 hour duration. A minimum flow of 1250 gallons per minute shall be provided from any one hydrant. Note: For Commercial, Industrial, Multi-family buildings, a minimum fire flow of 1,000 GPM shall be provided from each hydrant when multiple hydrants are flowing at the same time.

Documentation: A signed copy of the water purveyor's fire flow certification.

Timing: Prior to map recordation, the Permittee shall provide to the Fire District, verification from the water purveyor that the purveyor can provide the required fire flow. If there is no map recordation, the Permittee shall submit a signed copy of the water purveyor's certification to the Fire Prevention Bureau for approval before the issuance of any new building permits.

Monitoring and Reporting: A copy of the fire flow certification shall be kept on file with the Fire Prevention Bureau. (VCFPD-32)

31 Access Driveways Design, Contractor Storage Yards

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 drive aisles having a minimum clear width of 25 feet.

- a. Without buildings in the yards, installation shall comply with
 - i. Main access road into the site shall be asphalt or concrete or approved all-weather surface
 - ii. Remainder of drive aisles to each storage yard shall meet residential standards or beyond and be engineered to support additional expected loads based upon use of the yards
 - iii. No requirements within each storage yard when access from all points within the yard are located within 250 feet of an approved surface drive aisle. Larger yards may need additional alternate surface access within the yard

- iv. Hazardous operations and hazardous material storage may require full paved access
- b. With buildings in the yards, installation shall comply with:
 - i. Full paved access to within 150 feet of all portions of the exterior walls of each building.

Documentation: A stamped copy of the approved access plan.

Timing: The access plan shall be approved prior to issuance of any new building permit. All required access shall be installed before the start of construction/business operations.

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

32. Fire Code Permits

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

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

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

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

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

33. Prefabricated Sea Cargo / Metal Storage Containers

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

Planned Development Permit (PD) PL13-0043
And Conditional Use Permit No. PL13-0043
Property Owner: Walker Brothers
Location: 10998 Nardo Street, Ventura, CA
Case No. LU11-0103

Planning Director Hearing: January 14, 2016
Approval Date:
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Requirement: The arrangement of sea cargo containers and other items on the project site shall be in conformance with Ventura County Fire Protection District Standards and Fire Codes and the Ventura County Building Code,

Documentation: The Permittee shall submit the project plans and documentation to the Ventura County Building Department and Ventura County Fire Prevention Bureau for review and approval.

Timing: Prior to issuance of a Zoning Clearance for Use Inauguration, the Permittee shall obtain the approval of the project plans and documentation from the Ventura County Fire Prevention Bureau and Ventura County Building Department.

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