



## Planning Director Staff Report – Hearing on February 22, 2016

County of Ventura • Resource Management Agency • Planning Division

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

### MARWAH, ET AL., CONDITIONAL CERTIFICATE OF COMPLIANCE–PARCEL MAP (CCC-PM) (NO. 5949) AND COASTAL PLANNED DEVELOPMENT (PD) PERMIT CASE NO. PL15-0005

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a CCC-PM (No. 5949) and a Coastal PD Permit (Case No. PL15-0005) in order to bring an existing 19.16 acre lot into compliance with the Subdivision Map Act, the Ventura County Subdivision Ordinance (VCSO), and the Ventura County Coastal Zoning Ordinance (CZO). No grading, construction, or structural development are included with the applicant's request.
2. **Applicant:** Lynn Heacox, 209 Avenida San Pablo, San Clemente, CA 92672
3. **Property Owners:** Amarjit Singh Marwah, Kuljit Kaur Marwah, Narindar Singh, Anilam Kaur Singh, c/o Dr. Amarjit S. Marwah, 29057 Pacific Coast Highway, Malibu, CA 90265
4. **Decision-Making Authority:** Pursuant to the VCSO (§ 8205-5 et seq.) and Ventura County CZO (§ 8174-5 and § 8181-3 et seq.), the Planning Director is the decision-maker for the requested CCC-PM and Coastal PD Permit.
5. **Project Site Size, Location, and Parcel Number:** The 19.16 acre property is located along Pacific Coast Highway, near the intersection of Pacific Coast Highway and Yellow Hill Road, near the city of Malibu, in the unincorporated area of Ventura County. The Tax Assessor's parcel numbers for the parcels that constitute the project site are 700-0-070-375 and 700-0-070-395 (Exhibit 2).
6. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Open Space (Exhibit 2)
  - b. Coastal Area Plan Land Use Map Designation: Open Space (Exhibit 2)
  - c. Zoning Designation: COS-10 ac-sdf/M (Coastal Open Space, 10 acre minimum lot size, slope-density formula, Santa Monica Mountain Overlay zone) (Exhibit 2)

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

<b>Location in Relation to the Project Site</b>	<b>Zoning</b>	<b>Land Uses/Development</b>
<b>North</b>	COS-10 ac-sdf/M	Two dwellings on two separate, legal lots. Several structures accessory to the dwellings are also located on the lots.
<b>East</b>	COS-10 ac-sdf/M	Open space land owned by the State of California (not designated as parkland, according to Santa Monica Mountains Conservancy Map, sources: Resource Management Agency [RMA] GIS Viewer and <a href="http://smmc.ca.gov/parkland_map.pdf">http://smmc.ca.gov/parkland_map.pdf</a> ).
<b>South</b>	COS-10 ac-sdf/M	Pacific Coast Highway. South of Pacific Coast Highway and directly south of the subject property is land that includes several structures (including at least one dwelling), open space, coastal bluffs, and beaches. The approximately 11 Tax Assessor's Parcels are owned by the State of California. One of the parcels is identified as Mugu State Park.
<b>West</b>	COS-10 ac-sdf/M	Open space land owned by private individuals.

**8. History and Background:** In 1978 the Malibu 65 Investment Co. owned one 76.98 (approximately) acre parcel. The 76.98 acre parcel consisted of the following four, current Tax Assessor's Parcels: 700-0-070-375; -395; -385; and -405.

In 1978 the Malibu 65 Investment Co. conveyed the portion of the 76.98-acre property that consists of Tax Assessors Parcels 700-0-070-385 and -405, to Mr. Paul Williams (who is not the applicant of the subject CCC-PM/Coastal PD Permit), by grant deed. The subdivision required the approval and recordation of tentative and parcel maps pursuant to the Subdivision Map Act; however, the Malibu 65 Investment Co. did not obtain approval of, or record, the requisite tentative and parcel maps for the subdivision. In 1980 Mr. Williams illegally conveyed a portion of Tax Assessor's Parcel 700-0-070-385 to Ms. Barbara Clarke, by grant deed. The subdivision required the approval and recordation of tentative and parcel maps, pursuant to the Subdivision Map Act; however, Mr. Williams did not obtain approval of, or record, the requisite tentative and parcel maps for the subdivision.

In 1980 the Malibu 65 Investment Co. also conveyed the portion of the 76.98-acre property that consists of Tax Assessors Parcels 700-0-070-375 and -395 to Mr. Amarjit Marwah, et al., the current owners of the subject property and the applicants of the subject CCC-PM/Coastal PD Permit. The subdivision required the approval and recordation of tentative and parcel maps pursuant to the

Subdivision Map Act; however, the Malibu 65 Investment Co. did not obtain approval of, or record, the requisite tentative and parcel maps for the subdivision.

In August of 1982, the County of Ventura notified Mr. Williams, Marwah et al., and Ms. Clarke that their respective land acquisitions constituted violations of the Subdivision Map Act and the Ventura County Ordinance enacted thereto. More specifically, the County recorded Notices of Intention to Record a Notice of Violation against the properties that Mr. Williams, Marwah et al., and Ms. Clarke owned, due to the properties creation without the requisite tentative maps and parcel maps. The Notices of Intention to Record a Notice of Violation included information about a public hearing to determine whether a violation had occurred, and the Planning Division mailed (via certified mail) the Notices of Intention to Mr. Williams, Marwah et al., and Ms. Clarke (Exhibit 5). The Notices of Intention also included information about the hearing and encouraged the property owners to present relevant evidence at the hearing. The Planning Division received return certified mail cards indicating that the parties (or their representatives) received the Notices of Intention.

In February of 1983, the County recorded Notices of Violation against the properties that Mr. Williams, Marwah et al., and Ms. Clarke owned, because the Advisory Agency determined at a hearing held on December 15, 1982, that the parcels were subdivided in violation of the Subdivision Map Act, VCSO, and Ventura County CZO (Exhibit 6). On February 24, 1983, the County Advisory Agency wrote letters to the three parties explaining the Advisory Agency's determination that the land conveyed to them constituted violations of the Subdivision Map Act, VCSO, and Ventura County CZO (Exhibit 7). The letters also stated that the County of Ventura intended to record Notices of Violation with the deeds to the subject properties. The Planning Division received return certified mail cards indicating that Mr. Williams, Marwah et al., and Ms. Clarke (or their representatives) received the letters.

With regard to the property that consists of Tax Assessor's Parcel 700-0-070-405, on November 18, 1983, Mr. Williams recorded a CCC (Case No. CCC8207; Document No. 131985) with the County of Ventura. A condition of the CCC required the recording of a parcel map prior to the issuance of a permit or other grant of approval for development of the property. On December 8, 2009, Charals Haagen, the property owner at that time, recorded Parcel Map No. 5811 for CCC Case No. CCC8207. The County of Ventura has not issued any permits for development of the property that consists of Tax Assessor's Parcel 700-0-070-405.

With regard to the property that consists of Tax Assessor's Parcel 700-0-070-385, on January 4, 1984, Ms. Clarke, the property owner at that time, recorded a CCC (Case No. CCC 8208; Document No. 682) with the County of Ventura. A condition of the CCC required the recording of a parcel map prior to the issuance of permit or other grant of approval for development of the property. On September 6, 2001, Mayfair Properties, LTD, the property owner at that time,

recorded Parcel Map No. 5289 for CCC Case No. CCC8208. On September 24, 2001, the Planning Division approved a Coastal PD Permit (Case No. PD-1837) for a 700 square foot dwelling and 700 square foot garage on the property that consists of Tax Assessor's Parcel 700-0-070-385. On September 30, 2002, the Planning Division approved a Site Plan Adjustment to Coastal PD Permit Case No. PD-1837, in order to replace the 700 square foot garage with a 360 square foot carport. No other Coastal PD Permits have been approved for this property.

Prior to the submittal of the current application for a CCC-PM/Coastal PD Permit that is the subject of this staff report, Marwah et al. never applied for a CCC or parcel map for the property that consists of Tax Assessor's Parcels 700-0-070-375 and -395. In 2006, Dr. Marwah submitted an application for a Presubmittal Analysis (Case No. AD06-0046) with the Ventura County Planning Division. Dr. Marwah stated that he was the "innocent purchaser" (i.e., he did not cause the illegal subdivision) in 1980 when he acquired the illegally subdivided property. Dr. Marwah requested that the County "...leave me with the 2 buildable parcels that I originally bought..." in 1980 (Letter from Dr. Marwah to Chris Stephens, Planning Director, March 1, 2006). However, in a letter from Nancy Butler Francis, manager, to Dr. Marwah, dated March 16, 2006, Ms. Francis informed Dr. Marwah that he owned only one lot (comprised of Tax Assessor's Parcels 700-0-070-375 and -395), as described in the deed recorded on May 14, 1980 (Document No. 045539). In addition, Planning Division staff informed Dr. Marwah that he could bring the lot into compliance with the Subdivision Map Act and VCSO, by applying for an after-the-fact CCC-PM. The letter included requirements that Dr. Marwah would have to satisfy (e.g., the minimum lot size and slope-density formula requirements) in order to develop the property. In 2015, Marwah et al. submitted an application for a Coastal PD Permit (Case No. PL15-0005) and CCC-PM (No. 5949) which is the subject of this staff report.

9. **Project Description:** The applicant requests approval of a CCC-PM (No. 5949) and a Coastal PD Permit (Case No. PL15-0005) in order to bring an existing 19.16 acre lot into compliance with the Subdivision Map Act and the VCSO. As stated in Section A.8 of this staff report (above), in 1980, Malibu 65 Investment Co., the property owner at that time, conveyed the subject property to the applicant. The subdivision required the approval and recordation of tentative and parcel maps pursuant to the Subdivision Map Act; however, the Malibu 65 Investment Co. did not obtain approval of, or record, the requisite tentative and parcel maps for the subdivision. Therefore, the applicant is requesting approval of a CCC-PM and a Coastal PD Permit in order to bring the subject property into compliance with the Subdivision Map Act and the VCSO.

The proposed project does not include any grading or construction of the subject property. The subject property currently is not developed with buildings or structures. However, the property has been cleared of Environmentally Sensitive Habitat Areas (ESHA) (Ventura County CZO, § 8172-1), most recently in 2015 as part of unpermitted clearing of vegetation that the current property owner

conducted. The unpermitted vegetation clearance that occurred in 2015 is the subject of Planning Violation Case No. PV15-0027, and will be abated by the property owner's restoration and permanent protection of onsite ESHA and/or preservation of equivalent ESHA off-site. The subject property currently does not have a water source or source of sewage disposal for development of the property. An existing, onsite dirt driveway/road to Pacific Coast Highway currently provides access to the subject property. (Exhibit 3).

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

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

Pursuant to Section 15061(b)(3) of the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), the request is exempt from environmental review because there is no possibility that the proposed project may have a significant effect on the environment. As stated in Section A.9 of this staff report (above), the proposed project does not involve any physical development of the subject property. Furthermore, any possible, future development of the subject property that could create a change to the physical environment would be subject to CEQA environmental review at the time at which the property owner proposes to develop the property.

In addition, the State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project meets the criteria of the Categorical Exemption set forth in Section 15307 (Class 7 – Actions by Regulatory Agencies for Protection of Natural Resources) which consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the restoration of a natural resource which do not include construction activities. The proposed project meets the criteria because it includes conditions of approval requiring restoration of environmentally sensitive habitat that was removed without permits or compensatory mitigation measures.

Therefore, this project is exempt from environmental review pursuant to CEQA.

## **C. CONSISTENCY WITH THE GENERAL PLAN**

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

In addition, the VCSO [§ 8204-1 and § 8205-5.5(a)] states that in order to be approved, a Subdivision must be found consistent with all applicable policies of the Ventura County General Plan.

Furthermore, the Ventura County CZO (§ 8181-3.5.a) states that in order to be approved, a Coastal PD Permit must be found consistent with all applicable policies of the Ventura County Coastal Area Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan Goals, Policies and Programs and Coastal Area Plan:

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

As discussed in Section B (above), the proposed project is considered exempt from CEQA environmental impact review and will not have a significant effect on the environment.

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

- 2. Ventura County GP Resources Policy 1.3.2-2:** *Discretionary development shall comply with all applicable County and State water regulations.*

**Ventura County 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.*

As discussed in Section A.9 of this staff report (above), the proposed project does not involve any physical development of the subject property. There are no active wells on the subject property, and no new wells are proposed. No water service is requested for the project site. In addition, no onsite sewage treatment system (septic) exists, and a new sewage system or service is not requested. No impacts to the quantity or quality of water resources will result from the proposed project.

Prior to issuing any permit(s) or other granting of approval for future development which requires a supply of running potable (drinking) water, the property owner must demonstrate to the satisfaction of the Ventura County Resource Management Agency – Environmental Health Division that an adequate supply of potable quality water exists for the development (Condition No. 18). Prior to

issuing any permit(s) or other granting of approval for future development which requires a connection to a sewage disposal system, the Ventura County Environmental Health Division must approve the sewage disposal system (Condition No. 19). Furthermore, approval of the CCC-PM for the subject property does not guarantee approval of future physical development of the property. Approval of the CCC-PM means only that the subject property complies with the regulations of the Subdivision Map Act and VCSO. The approval of the CCC-PM does not constitute approval of any future physical development of the subject property (Condition No. 20). Prior to issuing any permit(s) or granting of approval for any future development, County review and approval will be required.

Based on the information above, the proposed project will be consistent with these policies.

- 3. Ventura County 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.*

**Ventura County Coastal Area Plan (CAP), General Statement 30:** *New development in buffer zones shall be limited to access paths, fences, necessary to protect environmentally sensitive areas, and similar uses which have either beneficial effects on wildlife or no significant adverse effects.*

**Coastal Act Policy § 30240(a):** *(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas...*

**CAP, South Coast, Environmentally Sensitive Habitats, Item C. Creek Corridors, Policy 2:** *All projects on land either in a stream or creek corridor or within 100 feet of such corridor, shall be sited and designed to prevent impacts which would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats.*

**CAP, South Coast, Environmentally Sensitive Habitats, Item C. Creek Corridors, Policy 5:** *The Coastal Commission's adopted "Statewide Interpretive Guidelines for Wetlands and Other Environmentally Sensitive Habitats" will be used when evaluating new projects in creek corridors.*

**CAP, South Coast, Environmentally Sensitive Habitats, Item D. Santa Monica Mountains, Policy 6:** *All proposals for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future development will be consistent with the development policies contained in this Plan...Environmental assessments shall accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and*

*the consistency of the proposed division and development with the standards of the Local Coastal Program:...*

- All identified environmentally sensitive habitat areas and/or slopes over 30% shall be permanently maintained in their natural state through an easement or other appropriate means and shall be recorded on the final tract or parcel map or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30% slope...*

The applicant submitted an Initial Study Biological Assessment (ISBA) (Andrew McGinn Forde, Principal Biologist, Forde Biological Consultants, June 30, 2014) to the Planning Division for review. The Planning Division biologist reviewed and analyzed the ISBA, conducted two site visits to the project site in 2015, and researched the unpermitted vegetation clearance that occurred in 2015. The ISBA identified nine different vegetation alliances, consisting of coastal sage scrub, grassland, and semi-natural stands, which existed on the subject property prior to the unpermitted vegetation clearance that occurred in 2015. The ISBA recommended the designation of three of the vegetation alliances found onsite as "Environmentally Sensitive Habitat Areas" (ESHA) (Ventura County CZO, § 8172-1). A total of 7.88 acres of ESHA<sup>1</sup> was removed without permits in 2015.

The Coastal PD Permit will be subject to conditions of approval to require the property owner to compensate for the loss of the 7.88 acres of ESHA, using a 2:1 ratio. As such, the property owner will be responsible for the restoration and/or preservation of a total of 15.76 acres of the vegetation alliances/associations that qualify as ESHA and were removed from the subject property. If onsite restoration is less than 15.76 acres, offsite preservation will be required to an amount totaling 15.76 acres. The property owner will be required to protect the restored and/or preserved ESHA through an easement(s), a deed restriction(s), or other appropriate means (Condition No. 17).

As mentioned above, compensatory measures may include onsite restoration of ESHA that was cleared from the property. Restoration activities may involve minor earth disturbance within 100 feet of onsite creek corridors or wetlands (but not within the watercourses themselves) in order to restore ESHA. However, the Coastal PD Permit will be subject to a condition of approval to require the property owner to submit the restoration plan to the Planning Division for review and approval prior to commencement of any restoration activities, in order to prevent impacts which could degrade riparian habitats (Condition No. 17).

---

<sup>1</sup> Previous communication to the applicant and agent indicated that 4.42 acres of ESHA were impacted. However, a vegetation alliance that was designated as possible ESHA in the ISBA completed in 2014 was omitted in error. The updated impact acreage is 7.88 acres.



Areas within the subject property that were not cleared of ESHA consist of coastal sage scrub, grassland, semi-natural stands of vegetation, creek corridors, wetlands, or animal life that are either rare or especially valuable because of their special nature or role in an ecosystem. The property owner and future property owners will be advised that prior to approval of any future physical development, a biological assessment will be required. The biological assessment will determine the extent of onsite ESHA, potential ESHA impacts, and any necessary mitigation measures. Future physical development must be consistent with the standards of the Local Coastal Program in effect at that time (Condition No. 16).

Based on the information above, the proposed project will be consistent with these policies.

**4. CAP, South Coast, Archaeological and Paleontological Resources, Item A. Archaeology, Policy 1:** *Based upon the location of proposed project, Public Works may require the following work as a permit condition:*

*a. High sensitivity area - Field survey and test pits required...*

*For projects in [a high sensitivity area], the applicant will have a qualified archaeologist assess the development impacts and cultural significance of the site. As may be appropriate, the Northridge Archaeological Research Center at Cal State Northridge should be contacted for a Native American approved Monitor to observe and aid the work during excavation of auger holes, test pits, trenches or exposures.*

**CAP, South Coast, Archaeological and Paleontological Resources, Item A. Archaeology, Policy 2:** *Human burials should not be removed from the ground without specific authorization, and under the direction of Native American Monitors or Native American approved archaeologists.*

**CAP, South Coast, Archaeological and Paleontological Resources, Item A. Archaeology, Policy 4:** *Location of all coastal zone archaeological sites will be kept confidential to avert disturbance or destruction.*

**CAP, South Coast, Archaeological and Paleontological Resources, Item A. Archaeology, Policy 5:** *Archaeological, historical, and ethnobotanical interpretation of native peoples in Ventura County should be incorporated into existing and future interpretive programs at public recreation areas.*

**CAP, South Coast, Archaeological and Paleontological Resources, Item A. Archaeology, Policy 6:** *Credentials of the qualified archaeologist who performs the applicant's study will be presented with the rest of the information required.*

**CAP Paleontology Policy 1:** *Based upon the location of a proposed project on the Paleontological Map Series of the Planning Division's Unified Mapping System, paleontological resources will be a consideration in the environmental review process.*

**CAP Paleontology Policy 6:** *If previously unknown resources are discovered after construction starts, all work shall cease and the Public Works Agency shall be notified. After review of the site by the Agency, or other qualified personnel, additional reasonable mitigation measures may be required.*

**General Plan Paleontological Resources Policy 1.8.2-2.** *Discretionary development shall be designed or re-designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical or paleontological consultants, depending on the type of resource in question.*

**General Plan Paleontological Resources Policy 1.8.2-3.** *Mitigation of significant impacts on cultural or paleontological resources shall follow the Guidelines of the State Office of Historic Preservation, the State Native American Heritage Commission, and shall be performed in consultation with professionals in their respective areas of expertise*

**General Plan Paleontological Resources Policy 1.8.2-4.** *Confidentiality regarding locations of archaeological sites throughout the County shall be maintained in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.*

According to the RMA GIS Viewer, the subject property is located within a "Very Sensitive" area in which there is a high likelihood of archeological sites. A qualified archeologist conducted a pedestrian surface survey of the project site and a records search at the South Central Coastal Information Center (California State University, Fullerton). The results and recommendations of the field survey and records search were included in a Phase I Archeological Study (Robert Wlodarski, archeologist, of the Historical, Environmental, Archeological, Research Team, March 2014). The purpose of a Phase I Study is to determine whether archeological resources are present and may be impacted by a proposed project. The Phase I Archeological Study from Mr. Wlodarski identified one recorded prehistoric archeological site within the subject property. The archeological site was recorded in 1972. Onsite land use activities since 1972 may have "pushed portions of the site" beyond the recorded archeological site boundaries, and archeological resources of the recorded site may not have been included within the recorded boundary (p. iii). No "...geologic trenching, soil

borings, ground clearance, grading, equipment placement or similar and/or subsurface disturbance impacts shall be permitted on the site or within a 50 feet buffer zone..." until a combination of the recommended mitigation measures are carried out (p. 9). The recommended mitigation measures include avoidance of the archeological site, designing greenspace or open space elements to incorporate the site, covering the site with a protective layer of soil, permanently preserving the site or portions of the site, and/or conducting a Phase III Archeological Study to identify mitigation measures in the event the recorded archeological site will be developed and determined significant pursuant to CEQA Guidelines (p. 9) (Condition No. 12). No additional cultural resources were identified outside of the archeological site.

While no grading, construction, or physical development will occur as part of the proposed project, onsite restoration of ESHA may occur within the archeological site area. According to the qualified archeologist (phone conversation between Mr. Wlodarski, archeologist, and Charles Anthony, case planner, on December 9, 2015), biological restoration does not generally cause adverse impacts to archeological resources in the event such resources are present in the area of restoration activities. Nevertheless, in the event ESHA restoration occurs within 50 feet of or within the recorded archeological site, the results and recommendations of Mr. Wlodarski's Phase I Study will be considered and a qualified archeologist will be consulted by the qualified biologist(s) responsible for implementing the restoration plan in order to prevent adverse impacts to resources. The property owner will be required to provide any recommendations from the archaeologist for protection of the resources during restoration, in a written letter/report format to the Planning Director. The Planning Director's concurrence of the recommendations will be required before the property owner commences with the restoration activities. The property owner will be required to implement the agreed-upon recommendations as part of the onsite restoration activities. If human remains are discovered, such remains should only be removed from the ground with specific authorization from, and under direction of, a Native American Monitor or Native American approved archaeologist (Condition No. 12).

Furthermore, a project condition will be imposed for the protection and preservation of archeological resources and human burial remains should they be uncovered during any ground disturbance activities outside of or more than 50 feet from the recorded archeological site. This condition includes a requirement that any discovered human burials should not be removed from the ground without specific authorization, and under the direction of Native American Monitors (Condition No. 13).

The Planning Division will keep the location of the recorded archaeological site confidential. If feasible, any archeological, historical, and ethnobotanical interpretation of resources found onsite will be offered for incorporation into existing interpretive programs (Condition Nos. 12 and 13).

In regard to assessment of paleontological resources, Planning Division staff reviewed the Paleontological Map Series of the Resource Management Agency Geographical Information System (RMA GIS) which indicated the subject property is located in an area of low paleontological importance. Therefore, it is unlikely that ground disturbance activities will encounter subsurface paleontological resources on-site. Nevertheless, in the unlikely event that fossil remains are uncovered during any ground disturbance or construction activities, a standard condition (Condition No. 14) will be imposed on the proposed project requiring a qualified consultant(s) to assess the find, ensure that adverse impacts are mitigated, make a recommendation on the proper disposition of the resources, and proceed with the actions to protect the resources, pursuant to the Planning Director's review and approval. Such an assessment will be incorporated into a Countywide paleontological and cultural resource data base.

Based on the information above, the proposed project will be consistent with these policies.

**5. CAP, South Coast, Hazards Policy 7:** *The South Coast portion of the Santa Monica Mountains requires special attention and the following formula and minimum lot sizes will be utilized as new land divisions as [sic] proposed in the "Open Space" or "Agricultural" designations:*

- a. *The following slope/density formula will be used to compute the average slope of property proposed to be subdivided:*

$$S = \frac{(100)(I)(L)}{A}$$

where:

S = average slope (%)  
I = contour interval (ft.)  
L = total length of all contour lines (ft.)  
A = total area of the lot (sq. ft.)

- b. *Once the average slope has been computed, the following table will be used to determine a minimum lot size for newly proposed lots:*

0% - 15% = 10 acres  
15.1% - 20% = 20 acres  
20.1% - 25% = 30 acres  
25.1% - 35% = 40 acres  
35.1% & above = 100 acres

The applicant is requesting approval of a CCC-PM and Coastal PD Permit in order to bring the subject property into compliance with the Subdivision Map Act

and VCSO. The subject parcel is located within the South Coast portion of the Santa Monica Mountains Overlay Zone and within the Open Space land use designation. As such, the slope/density formula applies to the subject property.

Using the methodology and criteria set forth in Hazards Policy 7, the average slope of the subject property is 24.7% (Mark T. Wilson, California Registered Professional Engineer, July 2, 2014) and, consequently, the minimum lot size requirement for the subject property is 30 acres. Therefore, the CCC-PM will be subject to a condition of approval to require the property owner to acquire additional land to be added to the subject property in order to satisfy the 30-acre minimum lot size requirement, prior to issuing a permit or other granting of approval to develop the subject property (Condition No. 15).

Based on the information above, the proposed project will be consistent with this policy.

- 6. Ventura County GP Hazards Policy 2.13.2-2:** *All discretionary permits in fire hazard areas shall be conditioned to include fire-resistant vegetation, cleared firebreaks, or a long-term comprehensive fuel management program as a condition of approval. Fire hazard reduction measures shall be incorporated into the design of any project in a fire hazard area.*

**Ventura County GP Hazards 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 RMA GIS Viewer, the proposed project site is located in a High Fire Severity Zone. The Ventura County Fire Protection District (FPD) reviewed the proposed project, and recommended that the Planning Director impose a condition of approval on the CCC-PM and Coastal PD Permit to require the property owner to remove all grass and brush within 10 feet of each side of all access road(s)/driveway(s) within the subject property (Condition No. 22). A Ventura County FPD station is located approximately 1,500 feet from the subject property and, at this distance, the Ventura County FPD will have an adequate response time to the project site in the event of a wildfire.

In addition, the Ventura County FPD will require the property owner to provide adequate access when the owner requests approval for any future development of the property. The owner will be required to install a paved all-weather access road(s)/driveway(s) suitable for use by a 20 ton fire apparatus, to ensure that the access road(s)/driveway(s) will be maintained with a minimum 20-foot clear width at all times, to ensure that fire hydrants will be operational and accessible at all times, and that no parking, storage, or staging of equipment/supplies shall be located within 15 feet on either side of fire hydrants (Condition No. 21).

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

- 7. CAP Recreation Policy 12:** *Before a permit for development of any shoreline or inland parcel is approved, its suitability for public recreational use shall be evaluated within the specified project review period by the County in consultation with the State Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such use, the County shall ascertain whether any public agency or non-profit organization, including the National Park Service, Santa Monica Mountains Conservancy, Coastal Conservancy, State Department of Parks and Recreation, County Recreation Services, and Trust for Public Lands, is planning or contemplating acquisition of any part of the subject property, specifically authorized to acquire any portion of the property which would be affected by the proposed development, and funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application or permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again on the same ground.*

In order to determine whether the proposed project is suitable for public recreational use, the Planning Division submitted the proposed project application materials to the Santa Monica Mountains National Recreation Area of the National Park Service, Santa Monica Mountains Conservancy, California State Coastal Conservancy, California State Department of Parks and Recreation, Ventura County General Services Agency – Parks, and the California Trust for Public Lands. None of the above-mentioned agencies or organizations identified the subject property as suitable for public recreational use or indicated plans for acquisition.

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

#### **D. ZONING AND SUBDIVISION ORDINANCE COMPLIANCE**

The proposed project is subject to the requirements of the Ventura County CZO and VCSO.

The proposed project is subject to the following, applicable special use standards of the Ventura County CZO. The analysis of whether the proposed project complies with the special use standards is provided below.

- 1. Section 8178-2 – Environmentally Sensitive Habitat Areas (ESHA):** *The provisions of this section apply to all areas of the County's Coastal Zone that fall within the definition of "environmentally sensitive habitat areas," or within the designated buffer areas around such habitats.*

**Section 8178-2.2 – Identification of Environmentally Sensitive Habitat Areas (ESHA):** *If a new ESHA is identified by the County on a lot or lots during application review, the provisions of this Article shall apply. The County shall periodically review and update its maps pertaining to environmentally sensitive habitat areas in the coastal zone.*

**Section 8178-2.4 – Specific Standards:** *The following specific standards shall apply to the types of habitats listed:...*

*c. Creek Corridors*

*(1) All developments on land either in a stream or creek corridor or within 100 feet of such corridor (buffer area), shall be sited and designed to prevent impacts that would significantly degrade riparian habitats, and shall be compatible with the continuance of such habitats. (AM.ORD.4451-12/11/12)...*

As discussed in Section C of this staff report (above), ESHA is located within the subject property and recently 7.88 acres of ESHA was cleared from the subject property, in violation of the Ventura County Local Coastal Program. However, the CCC-PM and Coastal PD Permit will be subject to a condition of approval to require the property owner to restore and/or preserve 15.76 acres of equivalent ESHA on-and/or off-site, which will be protected through an easement(s), a deed restriction(s), or other appropriate means. In addition, existing onsite ESHA and the existing creek corridors will be preserved and protected in the same manner (Condition no. 17).

Based on the discussion above, the proposed project complies with the applicable ESHA special use standards.

- 2. Section 8178-3 – Archaeological Resources:** *The following standards shall apply to all proposed development in order to protect such resources which can be easily destroyed by human activities.*

**Section 8178-3.1 - Archaeological Resources:**

- a. Based on the location of a proposed development, the following work may be required:*
- (1) High sensitivity area: field survey and test pits...*
  - (4) For projects located in [a high sensitivity area], the applicant shall have a qualified archaeologist assess the development impacts and cultural significance of the site. As may be appropriate, the Northridge Archaeological Research Center at the California State University at Northridge should be contacted for a Native American Monitor or Native American approved archaeologist to observe and aid the work during excavation of auger holes, test pits, trenches or exposures.*
- b. A summary of the qualifications of the archaeologist who performs the applicant's study shall be presented with the rest of the required information.*

- c. *Human remains should be removed from the ground only with specific authorization from, and under direction of, a Native American Monitor or Native American approved archaeologist...*
- e. *Location of all coastal zone archaeological sites shall be kept confidential to avert disturbance or destruction.*
- f. *Archaeological, historical and ethnobotanical interpretation of native peoples in Ventura County should be incorporated into existing interpretive programs as feasible, and into future interpretive programs at public recreation areas as funds become available.*

As discussed in Section C.4 of this staff report (above), a Phase I Archeological Study (Robert Wlodarski, archeologist, of the Historical, Environmental, Archeological, Research Team, March 2014) identified one recorded prehistoric archeological site within the subject property. No additional cultural resources were identified outside of the archeological site area, and no significant archeological resources were found on the subject property. In addition, the CCC-PM and Coastal PD Permit will be subject to a condition of approval such that in the event that future ground disturbance activities occur on-site, the property owner must implement measures that will prevent adverse impacts to such resources.

Based on the discussion above, the proposed project complies with the applicable archeological resources special use standards.

3. **Sec. 8177-4 – Standards and Procedures for Santa Monica Mountains (M) Overlay Zone:** *The standards and procedures found in this Article shall apply to all property in the Santa Monica Mountains whose zoning district carries the (M) suffix [example: COS(M)]. All other pertinent standards in this Chapter shall also apply.*

The proposed project is located within the Santa Monica Mountains Overlay Zone and, therefore, is subject to the standards of the § 8177-4.1 et seq. Table 1 lists the applicable Santa Monica Mountains Overlay Zone standards and a description of whether the proposed project complies with those standards.

**Table 1—Santa Monica Mountains Overlay Zone Standards Consistency Analysis**

<b>Overlay Zone Standard</b>	<b>Complies?</b>
<b>Sec. 8177-4.1.4</b> All proposals for land divisions in the Santa Monica Mountains shall be evaluated to assure that any future development will be consistent with the development policies contained in the LCP Land Use Plan... Environmental assessments shall	Yes. See Section C of this staff report (above) that sets forth County staff's analysis of the proposed project's consistency with the development policies of the Local Coastal Program Land Use Plan.



**Table 1—Santa Monica Mountains Overlay Zone Standards Consistency Analysis**

Overlay Zone Standard	Complies?
<p>accompany tentative map applications and shall evaluate the ecological resources within and adjacent to the site and the consistency of the proposed division and development with the standards of the LCP:</p> <p>b. All identified environmentally sensitive habitat areas and/or slopes over 30 percent shall be permanently maintained in their natural state through an easement or deed restriction that shall be recorded on the final map, or on a grant deed as a deed restriction submitted with the final map. Development shall not be permitted in areas over 30 percent slope.</p>	
<p><b>Sec. 8177-4.1.10</b>                      Before a permit for development of any lot is approved, the suitability of that lot for public recreational use shall be evaluated within the specified project review period by the County in consultation with the State Department of Parks and Recreation and the National Park Service. If the County determines that the property may be suitable for such use, the County shall ascertain whether any public agency or nonprofit organization (see Sec. 8177-4.1.2b for examples) is planning or contemplating acquisition of any part of the subject property, or whether such agencies are specifically authorized to acquire any portion of the property that would be affected by the proposed development, or whether funds for the acquisition are available or could reasonably be expected to be available within one year from the date of application for permit. If a permit has been denied for such reasons and the property has not been acquired by such agency or organization within a reasonable time, a permit may not be denied again for the same reasons.</p>	<p>Yes. As stated in the CAP consistency analysis (Section C of this staff report, above), no park- or conservancy-related agency or organization identified the subject property as suitable for public recreational use or indicated plans for acquisition.</p>

Pursuant to the VCSO (§ 8212-4 et seq.), the proposed subdivision is allowed with the granting of a CCC-PM. Upon the granting of the CCC-PM, the proposed subdivision will comply with this requirement.

The proposed project involves a subdivision that is subject to the design requirements of the VCSO (Article 4). Table 2 lists the applicable design requirements and a description of whether the proposed project complies with the design requirements.

**Table 2 – Design Requirements Consistency Analysis**

Type of Requirement	Subdivision Ordinance Requirement	Complies?
Lot Lines	§ 8204-2.1: Each sideline of a proposed lot shall be as close to perpendicular to the centerline of the street as is practicable at the point at which the lot sideline terminates.	Yes—The proposed side lot lines will be roughly perpendicular to the centerline of Pacific Coast Highway.
Lot Width	§ 8204-2.2: All proposed lots shall conform to the minimum lot width requirements of the zone in which the property is located. No lot, other than a flag lot, shall have less than 40 feet of frontage, unless the minimum lot width of the zone is less than 40 feet. No flag lot shall have an access strip less than 20 feet or more than 40 feet in width.	Yes—The COS-10 ac-sdf/M minimum lot width requirement is 40 feet. The subject property has greater than 40 feet of frontage along Pacific Coast Highway.
Lot Depth	§ 8204-2.3: For all proposed lots, the average lot depth shall not be greater than three times the average lot width...	Yes—The average lot depth is approximately 24% of the average lot width of the subject property.
Lot Area	§ 8204-2.4: Unless otherwise excepted, all proposed lots shall conform to the minimum lot area requirements of the General Plan, Goals, Policies, and Programs Section 3.1.2-6 (Land Use Policies – Minimum Parcel Size), and zone in which the property is located...	Yes—As stated in Section C.5 of this staff report (above), after accounting for the slope density formula that applies to the minimum lot size requirement for the subject property, the minimum lot size requirement for the subject property is 30 acres. The subject property is approximately 19.16 acres in size and, therefore, does not meet the 30-acre minimum lot size requirement. However, the CCC-PM will be subject to a condition of approval to require the property owner to acquire additional land to be added to the subject property in order to satisfy the 30-acre minimum lot size requirement, prior to issuing a permit or other grant of

**Table 2 – Design Requirements Consistency Analysis**

Type of Requirement	Subdivision Ordinance Requirement	Complies?
		approval to develop the subject property (Condition no. 15). Therefore—with the recommended condition of approval—the proposed project will comply with the 30-acre minimum lot size requirement that applies to the subject property.
Access	§ 8204-2.5: All proposed lots shall have legal access to public rights-of-way or approved private streets...	Yes—The subject property has direct access to the Pacific Coast Highway.
Buildable Site	§ 8204-2.6: Each proposed lot shall have at least one buildable site...	Yes—The proposed project does not involve any physical development. Nevertheless, there is sufficient area for a buildable site on the subject property.
Energy Conservation	§ 8204-2.8: The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision. (a) Examples of passive or natural heating opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure in an east-west alignment for southern exposure and solar easements. (b) Examples of passive or natural cooling opportunities in subdivision design include design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.	Yes—Given that the subject property is located approximately 400 feet from the Pacific Ocean and the parcel's size of 19.16 acres, future development could include passive or natural heating and cooling opportunities.

## **E. SUBDIVISION MAP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to determine that the proposed subdivision is consistent with the Subdivision Map Act and VCSO (§ 8205-5.5 et seq.). The proposed findings and supporting evidence are as follows:

- 1. The proposed map and design or improvement of the proposed map are consistent with applicable general and specific plans [§ 8205-5.5(a) and - (b)].**

As discussed in Section C of this staff report (above), the proposed project will be consistent with the applicable policies of the Ventura County General Plan and the Coastal Area Plan. There is no specific plan that governs the subject property. Thus, this finding can be made.

**2. The site is physically suitable for the type and proposed density of development [§ 8205-5.5(c) and -(d)].**

As discussed in Sections A and C of this staff report (above), the proposed project does not involve physical development of the subject property at this point in time. However, the CCC-PM will be subject to conditions of approval to ensure that adequate water and sewer service is available to serve future development requiring such services on the subject property, as well as conditions of approval to protect coastal resources that are either known to exist (e.g., riparian habitat) or have the potential to exist (e.g., archaeological resources) on the subject property. The proposed project also will be subject to conditions of approval to ensure that any future development on the subject property complies with the Ventura County FPD's access and hazard abatement requirements.

Furthermore, as discussed in this staff report (above), the property owner will be required to acquire additional land and add it to the subject property in order to meet the 30-acre minimum lot size requirement that applies to the subject property, prior to developing the subject property. In addition, the request will not change the Population Density Standards (Figure 32) of the Coastal Area Plan.

Based on the discussion above, the finding that the site is physically suitable for the type and proposed density of development can be made.

**3. The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat [§ 8205-5.5(e)].**

As stated in Sections B and C of this staff report (above), the proposed project does not involve physical development of the subject property at this point in time. However, the Coastal PD Permit will be subject to conditions of approval requiring the applicant to abate the violation associated with the unpermitted removal of ESHA by the restoration and/or preservation of compensatory ESHA on- and/or off-site. In addition, possible, future development of the subject property will be subject to conditions protecting onsite archaeological resources. With the imposition of the recommended conditions of approval on the CCC-PM and Coastal PD Permit, the proposed project will be consistent with the applicable resource protection policies of the Ventura County General Plan and the Coastal Area Plan.

Based on the discussion above, the finding that the design of the subdivision is not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat can be made.

**4. The design of the subdivision or type of improvements is not likely to cause serious public health problems [§ 8205-5.5(f)].**

As stated in this staff report (above), the proposed project does not involve physical development of the property at this point in time and, consequently, does not require any improvements (as defined pursuant to Section 8207-2 of the VCSO). However, the proposed project will be subject to conditions of approval to ensure that any future development has adequate water, sewage disposal services, and access. Finally, as stated in Section D, Table 2 of this staff report (above), with the imposition of the recommended conditions of approval for the CCC-PM, the design of proposed subdivision meets the design requirements of the VCSO.

Based on the discussion above, the finding that the design of the subdivision is not likely to cause serious public health problems can be made.

- 5. The design of the subdivision or the type of improvements will not conflict with easements, which have been acquired by the public at large for access through or use of the property within the proposed subdivision [§ 8205-5.5(g)].**

There are no easements that exist on the subject property, which have been acquired by the public at large for access through or use of the property within the proposed subdivision.

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

- 6. The discharge of waste from the proposed subdivision into an existing community sewer system would not result in, or add to, a violation of existing requirements prescribed by a California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code [§ 8205-5.5(h)].**

As stated in this staff report (above), the proposed project does not involve physical development of the property at this point in time and, consequently, does not require the provision of sewage disposal. However, the CCC-PM will be subject to a condition of approval to require the property owner to demonstrate that adequate sewage disposal service (e.g., from an on-site wastewater treatment system) is available to support future development of the site, prior to granting a permit or other approval for development of the site that requires sewage disposal. Finally, there currently is no community sewer system that serves the project site and, given the limitations on expanding community sewer systems that are set forth in the Guidelines for Orderly Development,<sup>2</sup> it is unlikely that a community sewer system will be expanded to provide sewage disposal services for possible, future development on the subject property.

---

<sup>2</sup> For more information on the Guidelines for Orderly Development, see:  
[http://www.ventura.org/rma/planning/pdf/brochures/Guidelines\\_Orderly\\_Development.pdf](http://www.ventura.org/rma/planning/pdf/brochures/Guidelines_Orderly_Development.pdf).

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

- 7. The property does not front on any public waterway, public river, public stream, coastline, shoreline, or publicly owned lake or reservoir for which reasonable public access is not available or dedication of public easement is necessary to ensure reasonable public use [§ 8205-5.5(i) & (j)].**

The property does not front on any public waterway, public river, public stream, coastline, shoreline, or publicly owned lake or reservoir for which reasonable public access is not available.

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

- 8. The proposed subdivision is compatible with existing conditionally permitted oil/gas leases or wells located within the subdivision [§ 8205-5.5(k)].**

The subject property is not subject to any conditionally permitted oil/gas leases or wells.

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

- 9. The parent parcel or portion thereof is not subject to a contract entered into pursuant to the California Land Conservation Act of 1965 [§ 8205-5.5(l)].**

No portion of the subject property is subject to a contract entered into pursuant to the California Land Conservation Act of 1965.

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

- 10. The proposed subdivision would not be detrimental to the public health, safety or welfare, and would not be detrimental or injurious to property or existing lawful uses of property in the neighborhood [§ 8205-5.5(m)].**

As stated in this staff report (above), the proposed CCC-PM does not include any new construction of structures or improvements (as defined pursuant to Section 8207-2 of the VCSO).

As stated in Section C of this staff report (above), the proposed subdivision is consistent with the applicable policies of the Ventura County General Plan and CAP, and with the applicable Ventura County CZO regulations. The proposed project will be subject to conditions of approval to ensure that future development does not create any unusual fire hazard risks. In addition, the applicant will be required to abate the violation associated with the unpermitted removal of ESHA, by the restoration and/or preservation of compensatory ESHA on- and/or off-site.

The proposed project also will be subject to conditions of approval to ensure the protection of archaeological resources that might exist on-site.

Finally, as discussed in Section D of this staff report, with the adoption of the recommended conditions of approval, the proposed project will comply with the requirements of the VCSO.

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

- 11. The subdivider has either record title to, or contractual right to acquire title to, all rights-of-way necessary to provide any off-site access from the subdivision to the nearest public road [§ 8205-5.5(n)].**

The proposed project site is located adjacent to the Pacific Coast Highway (a public road). Therefore, the proposed project does not require or involve the acquisition of off-site access from the project site to the nearest public road.

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

- 12. The proposed subdivision is consistent with applicable provisions of the County Hazardous Waste Management Plan [§ 8205-5.5(o)].**

Staff from the Ventura County Resource Management Agency – Environmental Health Division state that the proposed CCC-PM to legalize the subject property is not considered an activity that produces or involves hazardous waste (Accela Database system, Ventura County Resource Management Agency). Therefore, the proposed project will be consistent with the County Hazardous Waste Management Plan.

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

- 13. The proposed subdivision is not located within a special studies zone established pursuant to the Alquist-Priolo Special Study Zone Act, and is in accordance with the policies and criteria established by the State Mining and Geology Board pursuant to that Act [§ 8205-5.5(p)].**

There are no known active or potentially active faults extending through the proposed project based on State of California Earthquake Fault Zones in accordance with the Alquist-Priolo Earthquake Fault Zoning Act, and Ventura County General Plan Hazards Appendix (Figure 2.2.3b).

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

- 14. The proposed subdivision is not located adjacent to or does not contain a potential Cultural Heritage Site or a Designated Site that has received a**

**Certificate of Appropriateness from the Ventura County Cultural Heritage Board [§ 8205-5.5(q)].**

The project site is not located adjacent to, and does not contain, any potential Cultural Heritage Sites or Designated Sites that have received a Certificate of Appropriateness from the Ventura County Cultural Heritage Board. Furthermore, there are no buildings or structures on the subject property that could be considered an historical resource. Finally, as discussed in Section C.4 of this staff report, there are no known historical resources that exist within or adjacent to the project site and—if future development reveals the presence of subsurface archaeological resources—the property owner will be required to retain an archaeologist and implement measures to evaluate, protect, and curate (as needed) the resources.

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

**15. The design and location of each lot in the subdivision, and the subdivision as a whole, are consistent with any applicable regulations adopted by the State Board of Forestry and Fire Protection pursuant to Sections 4290 and 4291 of the Public Resources Code.**

According to the Ventura County General Plan Hazards Appendix (Figure 2.13.2b), the subject property is located within a Very High Hazard Severity Zone. However, no new construction of structures or improvements (as defined pursuant to Section 8207-2 of the VCSO) are included as part of the proposed project. In addition, the Ventura County FPD reviewed the proposed project and did not identify any inconsistencies with the Ventura County Fire Code (2015). Furthermore, pursuant to the recommendations of the Ventura County FPD, the proposed project will subject to conditions of approval that will require the property owner to design future development in compliance with the Ventura County Fire Code (2015) and the Ventura County Building Code (2015), including (but not limited to) requirements for adequate fire department access, brush clearance, and a fuel modification plan.

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

**16. Structural fire protection and suppression services will be available for the subdivision through any of the following entities:**

- a. A county, city, special district, political subdivision of the state, or another entity organized solely to provide fire protection services that is monitored and funded by a county or other public entity.**
- b. The Department of Forestry and Fire Protection by contract entered into pursuant to Section 4133, 4142, or 4144 of the Public Resources Code.**



The Ventura County FPD—which Ventura County funds—will provide fire protection and suppression services to the subject property. The project site is located approximately 1,500 feet from Ventura County FPD Station No. 56, which is the closest fire station to the project site. The proposed project will not require additional fire stations and personnel, given the estimated response time from Ventura County FPD Station No. 56 to the project site, as well as the Ventura County FPD-recommended conditions of approval that will be imposed on the proposed project.

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

**17. To the extent practicable, ingress and egress for the subdivision meets the regulations regarding road standards for fire equipment access adopted pursuant to Section 4290 of the Public Resources Code and any applicable local ordinance.**

Pacific Coast Highway, a state highway, provides direct ingress and egress to the proposed project site. Pacific Coast Highway is required to meet state road standards. In order to ensure that the onsite access roads comply with the Ventura County FPD's requirements, the proposed project will be subject to a Ventura County FPD-recommended condition of approval to require the applicant to submit building plans for review and approval prior to issuance of building permits, which demonstrates that the access complies with the Ventura County FPD's requirements (Exhibit 4, Condition Nos. 22 and 24).

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

**F. COASTAL PD PERMIT FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County CZO (§ 8181-3.5 et seq.). The proposed findings and supporting evidence are as follows:

**1. The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program [§ 8181-3.5.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 Certified Local Coastal Program can be made.

**2. The proposed development is compatible with the character of surrounding development [§ 8181-3.5.b].**

As discussed in Section A of this staff report (above), the properties surrounding the proposed project site are mostly undeveloped and subject to the Open Space land use designation. As stated in this staff report (above), the proposed project

does not involve any grading, construction, or structural development. However, the proposed project involves restoration and/or preservation of onsite ESHA, similar to ESHA that surrounds the subject property.

Furthermore, the CCC-PM will require the property owner to acquire additional property and add it to the subject property prior to development, in order to meet the 30-acre minimum lot size requirement that applies to the subject property. In doing so, future development will be located on property that meets the minimum lot size requirement of the zoning and land use designations that apply to the subject and surrounding properties.

Since the proposed project does not involve growth-inducing development (e.g., the extension of public sewer lines or the construction of new roadways) it will be consistent with the environmental characteristics and limited service capabilities of the Santa Monica Mountains Open Space designation.

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

- 3. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located [§ 8181-3.5.c].**

As stated in this staff report (above), the proposed project requires the approval of a Coastal PD Permit—not a Conditional Use Permit. Therefore, this project is not a conditionally permitted use, and the standards of this finding do not apply to the proposed project.

- 4. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [§ 8181-3.5.d].**

As stated in this staff report (above), the proposed CCC-PM does not include any new construction of structures or improvements (as defined pursuant to Section 8207-2 of the VCSO).

As stated in Section C of this staff report (above), the proposed subdivision is consistent with the applicable policies of the Ventura County General Plan and CAP, and with the applicable CZO regulations. The proposed project will be subject to conditions of approval to ensure that future development does not create any unusual fire hazard risks. In addition, the applicant will be required to abate the violation associated with the unpermitted removal of ESHA, by the restoration and/or preservation of compensatory ESHA on- and/or off-site. The proposed project also will be subject to conditions of approval to ensure the protection of archaeological resources that might exist on-site.

Finally, as discussed in Section D of this staff report, with the adoption of the recommended conditions of approval, the proposed project will comply with the requirements of the VCSO.

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

**5. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [§ 8181-3.5.e].**

As stated in Sections C and E.4 of this staff report (above), the proposed project will not likely be detrimental to the public interest, health, safety, convenience, or welfare. In addition, the project will be subject to conditions of approval that will ensure that it does not create any adverse effects related to ESHA, cultural resources, or fire hazards. The proposed project will not conflict with surrounding land uses.

Therefore, this finding can be made.

**6. Private services for each individual development requiring potable water will be able to serve the development adequately over its normal lifespan.**

As stated in Sections C and E.4 of this staff report (above), the proposed project does not involve any physical development of the subject property. There are no active wells on the subject property, and no new wells are proposed. No water service is requested for the project site. Prior to issuing any permit(s) or other granting of approval for future development which requires a supply of running potable (drinking) water, an adequate supply of potable quality water must be demonstrated to the satisfaction of the Ventura County Resource Management Agency – Environmental Health Division.

Therefore, this finding can be made.

**7. When a water well is necessary to serve the development, the applicant shall be required to do a test well and provide data relative to depth of water, geologic structure, production capacities, degree of drawdown, etc. The data produced from test wells shall be aggregated to identify cumulative impacts on riparian areas or other coastal resources. When sufficient cumulative data is available to make accurate findings, the County must find that there is no evidence that proposed wells will either individually or cumulatively cause significant adverse impacts on the above mentioned coastal resources.**

As stated in Sections C and E.4 of this staff report (above), the proposed project does not involve any physical development of the subject property. There are no active wells on the subject property, and no new wells are proposed. No water

service is requested for the project site. Prior to issuing any permit(s) or other granting of approval for future development which requires a supply of running potable (drinking) water, an adequate supply of potable quality water must be demonstrated to the satisfaction of the Ventura County Resource Management Agency – Environmental Health Division.

Therefore, this finding can be made.

- 8. All need for sewage disposal over the life span of the development will be satisfied by existing sewer service to the immediate area or by location of septic facilities on-site consistent with other applicable provisions of the LCP.**

As stated in Sections C and E.4 of this staff report (above), the proposed project does not involve any physical development of the subject property. No onsite sewage treatment system (septic) exists, and a new sewage system or service is not requested. Prior to issuing any permit(s) or other granting of approval for future development which requires a connection to a sewage disposal system, a sewage disposal system must be approved the Ventura County Environmental Health Division.

Therefore, this finding can be made.

- 9. Development outside of the established "Community" area shall not directly or indirectly cause the extension of public services (roads, sewers, water etc.) into an open space area.**

As stated in Section E.2 of this staff report (above), the proposed development does not include an extension of public services into an open space area.

Therefore, this finding can be made.

#### **G. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS**

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (§ 65091), VCSO (§ 8205-5.1), and Ventura County CZO (§ 8181-6.2 et seq.). The Planning Division mailed notice to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located and placed a legal ad in the *Ventura County Star*. As of the date of this document, no comments have been received from the public.

#### **H. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the 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 exempt from CEQA pursuant to Sections 15307 and 15061(b)(3) of the State CEQA Guidelines;
3. **FIND** that the CCC-PM No. 5949 complies with the Tentative Parcel Map approval standards of the VCSO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **APPROVE** CCC-Parcel Map No. 5949 (Case No. PL15-0005), subject to the conditions of approval (Exhibit 4);
5. **MAKE** the required findings to grant a Coastal PD Permit pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section F of this staff report and the entire record;
6. **GRANT** Coastal PD Permit Case No. PL15-0005, subject to the conditions of approval (Exhibit 4); and
7. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

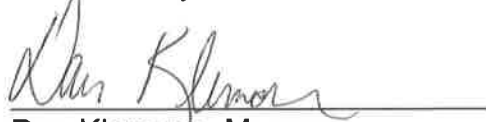
If you have any questions concerning the information presented above, please contact Charles Anthony at (805) 654-3683 or [chuck.anthony@ventura.org](mailto:chuck.anthony@ventura.org).

Prepared by:



Charles Anthony, Case Planner  
Residential Permits Section  
Ventura County Planning Division

Reviewed by:



Dan Klemann, Manager  
Residential Permits Section  
Ventura County Planning Division

#### EXHIBITS

Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps

Exhibit 3 - CCC-Parcel Map

Exhibit 4 - Conditions of Approval

Exhibit 5 – Notices of Intention to Record a Notice of Violation

Exhibit 6 – Notices of Violation

Exhibit 7 – Determination of Findings Letters





# Project PL15-0005



Parcel: APN: 700-0-070-375, -395



General Plan



Zoning



Area Plan



Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map Created on 12-18-2015  
This aerial imagery is under the  
copyrights of Pictometry  
Source: Pictometry, Jan. 2015



## County of Ventura Planning Division Hearing PL15-0005 Exhibit 2—Aerial Location and Land Use Map

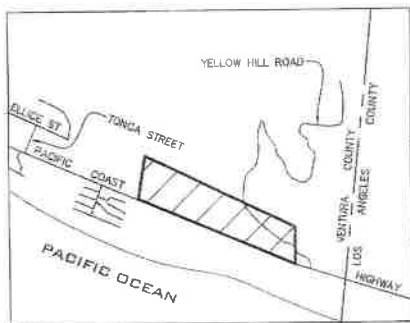
0 210 420 Feet

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



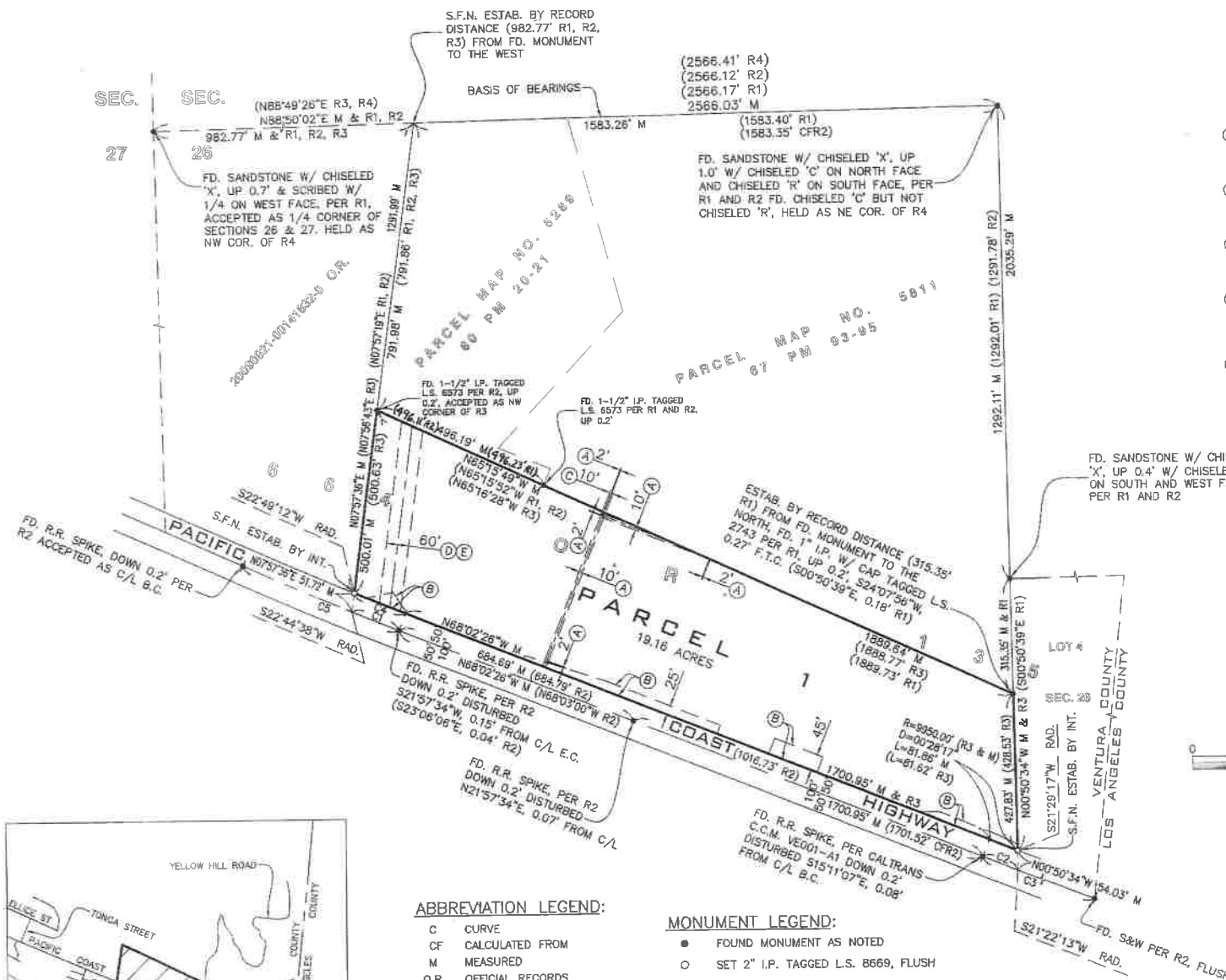
RM





VICINITY MAP

SCALE: 1"=1000'



ABBREVIATION LEGEND:

- C CURVE
- CF CALCULATED FROM
- M MEASURED
- O.R. OFFICIAL RECORDS
- S.F.N. SEARCHED, FOUND NOTHING
- R RECORD
- FD. FOUND
- S&W SPIKE AND WASHER
- R.R. RAILROAD
- F.T.C. FROM TRUE CORNER
- C/L CENTERLINE
- INT. INTERSECTION
- RAD. RADIAL

MONUMENT LEGEND:

- FOUND MONUMENT AS NOTED
- SET 2" I.P. TAGGED L.S. 8669, FLUSH

RECORD DATA	
R1	67 PM 93
R2	60 PM 20
R3	INST. 20131003-00167835-0 1/2 O.R. RECORDED 10/03/2013
R4	664 O.R. 135 RECORDED 12/03/1942

BASIS OF BEARINGS

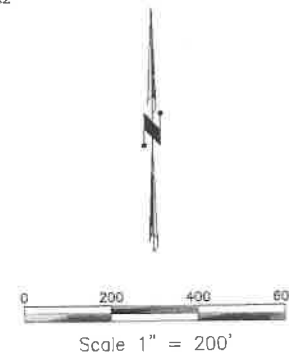
THE BEARING N68°50'02"E OF THE NORTHERLY LINE OF LAND DESCRIBED IN 664 O.R. 135 AS SHOWN ON 67 PM 93 WAS USED AS THE BASIS OF BEARINGS FOR THIS MAP.

EASEMENTS

- (A) SOUTHERN CALIFORNIA EDISON EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.  
RECORDED: JUNE 23, 1952 IN BOOK 1073, PAGE 67, OF OFFICIAL RECORDS.
- (B) STATE OF CALIFORNIA EASEMENT FOR PURPOSES STATED AND INCIDENTAL RIGHTS.  
FOR: HIGHWAY SLOPES  
RECORDED: SEPTEMBER 30, 1952 IN BOOK 1091, PAGE 66, O.R.
- (C) SOUTHERN CALIFORNIA EDISON EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES.  
RECORDED: MARCH 10, 1953 IN BOOK 1121, PAGE 513, O.R.
- (D) PAUL WILLIAMS EASEMENT FOR PURPOSES STATED AND INCIDENTAL RIGHTS.  
FOR: INGRESS AND EGRESS  
RECORDED: APRIL 8, 1978 IN BOOK 5067, PAGE 9, PAGE 947, BOTH OF O.R.
- (E) MAYFAIR PROPERTIES EASEMENT FOR PUBLIC UTILITIES PURPOSES.  
RECORDED: MARCH 01, 2004 AS INSTRUMENT NO. 1

CURVE

- C1
- C2
- C3
- C4
- C5



PARCEL MAP NO. 5949

CONDITIONAL CERTIFICATE OF COMPLIANCE NO. PL15-0005  
IN THE UNINCORPORATED TERRITORY OF VENTURA COUNTY

BEING A PORTION OF LOTS 5 AND 6 AND THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 20 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA  
NOVEMBER, 2014

WESTCON ENGINEERING, INC.  
6355 TOPANGA CANYON BLVD. - STE. 411  
WOODLAND HILLS, CA. - 91367



**ER-SUBDIVIDER STATEMENT:**

UNDERSIGNED HEREBY STATE THAT THEY ARE THE SUBDIVIDERS AND RECORD TITLE OWNERS AS DEFINED IN SECTION 3(a) OF THE SUBDIVISION MAP ACT OF THE REAL PROPERTY INCLUDED WITHIN THE SUBDIVISION SHOWN ON THIS MAP THAT THEY AS SUBDIVIDERS CONSENT TO THE MAKING AND RECORDATION OF SAID MAP.

RJIT S. MARWAH AND KULJIT K. MARWAH, HUSBAND AND WIFE AS COMMUNITY PROPERTY AS TO UNDIVIDED THIRDS INTEREST, OWNER

*Rajit Marwah*  
RJIT S. MARWAH, TRUSTEE

*Kuljit Marwah*  
KULJIT K. MARWAH, TRUSTEE

INDAR SINGH AND ANILAM K. SINGH, TRUSTEES OF THE SINGH FAMILY TRUST DATED JULY 16, 1992, AS TO UNDIVIDED ONE-THIRD INTEREST, OWNER

*Indar Singh*  
INDAR SINGH, TRUSTEE

*Anilam Singh*  
ANILAM K. SINGH, TRUSTEE

NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

BEFORE ME, *Patrick C. Ray*,  
NOTARY PUBLIC, PERSONALLY APPEARED *Amarjit S. Marwah* AND  
*Kuljit K. Marwah*, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY  
EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT  
ACKNOWLEDGED TO ME THAT HE/SHE/HE/THEY EXECUTED THE SAME IN HIS/HER/HER/THEIR  
AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE  
DONOR(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE  
INSTRUMENT.

WITNESS UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE  
FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY PUBLIC  
COUNTY OF ORANGE  
COMMISSION EXPIRES 06-25-2016  
COMMISSION NUMBER 1982977



NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA }  
COUNTY OF ORANGE }

BEFORE ME, *Patrick C. Ray*,  
NOTARY PUBLIC, PERSONALLY APPEARED *Indar Singh* AND  
*Anilam K. Singh*, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY  
EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT  
ACKNOWLEDGED TO ME THAT HE/SHE/HE/THEY EXECUTED THE SAME IN HIS/HER/HER/THEIR  
AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE  
DONOR(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE  
INSTRUMENT.

WITNESS UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE  
FOREGOING PARAGRAPH IS TRUE AND CORRECT.

WITNESS MY HAND.

NOTARY PUBLIC  
COUNTY OF ORANGE  
COMMISSION EXPIRES 06-25-2016  
COMMISSION NUMBER 1982977



**SURVEYOR'S STATEMENT:**

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF AMARJIT MARWAH IN NOVEMBER, 2014. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY.

*T* 07/28/15  
TIMOTHY KOH, L.S. 8669



**COUNTY SURVEYOR'S STATEMENT:**

I HEREBY STATE THAT I HAVE EXAMINED THE MAP ENTITLED PARCEL MAP NO. 5949, THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP, REQUIRED, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP, IF REQUIRED, HAVE BEEN COMPILED WITH AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

WAYNE E. BATTLESON DATE  
L.S. 6818  
COUNTY SURVEYOR  
COUNTY OF VENTURA

**COUNTY TAX COLLECTOR'S CERTIFICATE:**

I HEREBY CERTIFY THAT ALL CERTIFICATES AND SECURITY REQUIRED UNDER THE PROVISIONS OF SECTIONS 66492 AND 66493 OF THE SUBDIVISION MAP ACT HAVE BEEN FILED AND DEPOSITED IN ME.

STEVEN HINTZ  
COUNTY TAX COLLECTOR  
COUNTY OF VENTURA

DATE BY:  
DEPUTY COUNTY TAX COLLECTOR

**COUNTY RECORDER'S CERTIFICATE:**

DOCUMENT NO. \_\_\_\_\_  
FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, AT \_\_\_\_\_ M, IN BOOK \_\_\_\_\_ OF PARCEL 1  
AT PAGES \_\_\_\_\_, AT THE REQUEST OF AMARJIT MARWAH.

MARK A. LUNN  
COUNTY RECORDER  
COUNTY OF VENTURA

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

**CONDITIONAL CERTIFICATE OF COMPLIANCE STATEMENT**

THERE MAY HAVE BEEN CONDITIONS PLACED ON THIS CONDITIONAL CERTIFICATE OF COMPLIANCE THAT MUST BE SATISFIED PRIOR TO THE ISSUANCE OF ANY PERMIT FOR DEVELOPMENT ON THE PROPERTY. THESE CONDITIONS MAY BE FOUND IN THE FILES FOR THIS CERTIFICATE LOCATED IN OFFICE OF THE VENTURA COUNTY PLANNING DIVISION.

TOTAL AREA: 19.16 ACRES  
**PARCEL MAP NO. 5949**

CONDITIONAL CERTIFICATE OF  
COMPLIANCE NO. PL15-0005  
IN THE UNINCORPORATED TERRITORY OF  
VENTURA COUNTY

BEING A PORTION OF LOTS 5 AND 6 AND THE NORTH 1/2 OF THE  
SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 20  
WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF VENTURA,  
STATE OF CALIFORNIA  
NOVEMBER, 2014

WESTCON ENGINEERING, INC.  
8355 TOPANGA CANYON BLVD. - STE. 411  
WOODLAND HILLS, CA. - 91367

**CONDITIONS OF APPROVAL FOR CONDITIONAL CERTIFICATE OF  
COMPLIANCE – PARCEL MAP (CCC-PM) NO. 5949 AND  
COASTAL PLANNED DEVELOPMENT (PD) PERMIT  
(CASE NO. PL15-0005)**

**RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS**

**Planning Division Conditions**

**1. Project Description**

The project 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 Exhibits 3, dated DATE, 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 CCC-PM and/or Coastal PD Permit and/or further California Environmental Quality Act (CEQA) environmental review. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of the CCC-PM and/or Coastal PD Permit.

The Project description is as follows:

The Project consists of a CCC-PM (No. 5949) and a Coastal Planned Development (PD) Permit (Case No. PL15-0005) in order to bring an existing 19.16 acre lot into compliance with the Subdivision Map Act and the Ventura County Subdivision Ordinance. The Project does not include any grading or construction of the subject property. The subject property currently is not developed with buildings or structures. However, the property has been cleared of Environmentally Sensitive Habitat Areas (ESHA) (Ventura County Coastal Zoning Ordinance § 8172-1), most recently in 2015 as part of unpermitted clearing of vegetation that the current property owner conducted. The unpermitted vegetation clearance that occurred in 2015 is the subject of Planning Violation Case No. PV15-0027, and will be abated by the property owner's restoration and permanent protection of onsite ESHA and/or preservation of equivalent ESHA off-site. (See Condition No. 16, below.) The subject property currently does not have a water source or source of sewage disposal for development of the property. An existing, onsite dirt driveway/road to Pacific Coast Highway currently provides access to the subject property.

The use and maintenance of the property, the size, shape, arrangement, and location of the parcel, and the protection and preservation of resources shall conform to the Project

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 2 of 22**

description above, all approved County land use hearing exhibits in support of the Project, and conditions of approval below. (PL-1)

**2. Conditions of Approval and Map Notations**

The conditions of approval for the Project supersede all conflicting notations, specifications, dimensions, typical sections and the like which may be shown on the CCC-PM. (PL-63)

**3. Zoning Clearance Requirement**

In accordance with Ventura County Coastal Zoning Ordinance Section 8181-3.1 and Condition No. 17 of this permit, the Owner shall obtain a Zoning Clearance from the Planning Division. Prior to the issuance of the Zoning Clearance, 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, any final billed processing fees must be paid within 30 days of the billing date. (PL-8)

**4. Acceptance of Conditions**

Recordation of the CCC-PM shall constitute acceptance by the Owner and all successors-in-interest of all conditions of approval for the Project. (PL-65)

**5. Documentation Verifying Compliance with Other Agencies' Requirements Related to this CCC-PM and PD Permit**

**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 CCC-PM and PD Permit.

**Requirement:** Upon the request of the Planning Director, the Owner 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 CCC-PM and PD Permit) to verify that the Owner has obtained or satisfied all applicable federal, state, and local entitlements and conditions that pertain to the Project.

**Documentation:** The Owner shall provide this documentation to the 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 as dictated by the respective agency.

**Monitoring and Reporting:** The Planning Division maintains the documentation provided by the Owner 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 Owner shall submit the new

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 3 of 22**

documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

**6. Recordation of Conditions of Approval**

**Purpose:** The purpose of this condition is to notify the property owner's successors-in-interest of these conditions of approval of the Project.

**Requirement:** The property owner shall record a copy of these conditions of approval of the Project with the CCC-PM for the Project, in the Office of the County Recorder.

**Documentation:** The recorded conditions of approval shall serve as the documentation to verify compliance with this condition of approval.

**Timing:** Within one week following the recordation of the conditions of approval and CCC-PM, the property owner shall submit a copy of the recorded conditions of approval and CCC-PM to the Planning Division.

**Monitoring and Reporting:** The Planning Division maintains a copy of the recorded conditions of approval and CCC-PM in the Project file.

**7. Condition Compliance, Enforcement, and Other Responsibilities**

- a. **Cost Responsibilities:** The Owner 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 6.c of this condition (below). Specifically, the Owner shall bear the full costs of the following:

- (1) 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 restoration of the Project site and/or preservation of equivalent vegetation/habitat off-site; and
- (2) monitoring and enforcement costs required by the Ventura County Coastal Zoning Ordinance (§ 8183-5). The Owner, or the Owner'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, and forfeiture of securities. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Owner shall be

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 4 of 22**

billed for said costs and penalties pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5.4).

- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CCC-PM and PD Permit, the Owner, or the Owner's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
  - (1) a payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Section 6.a of this condition, above), monitoring and enforcement (Section 6.c of this condition, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Owner and the Planning Director; and
  - (2) a signed and fully executed County RMA reimbursement agreement, which is subject to the Owner's right to challenge any charges obligating the Owner to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$500.00 deposit and reimbursement agreement (Section 9.b of this condition, 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 CCC-PM and PD Permit and/or the Ventura County Coastal Zoning Ordinance that may occur.
- d. Billing Process: The Owner shall pay any written invoices from the Planning Division within 30 days of receipt of the request. The Owner shall have the right to challenge any charge prior to payment. (PL-12)

**8. Defense and Indemnity**

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

- a. Defend, at the Owner's sole expense, any action brought against the County by a third party challenging either the County's decision to issue this CCC-PM and PD Permit, or the manner in which the County is interpreting or enforcing the conditions of this CCC-PM and PD Permit; and

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 5 of 22**

- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Owner shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Owner defended or controlled the defense thereof pursuant to Section 8.a. of this condition (above). The County may, at its sole discretion, participate in the defense of any such legal action, but such participation shall not relieve the Owner of the Owner's obligations under this condition.

Neither the issuance of this CCC-PM and PD Permit, nor compliance with the conditions thereof, shall relieve the Owner from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CCC-PM and PD Permit serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Owner shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CCC-PM and PD Permit. (PL-13)

**9. Invalidation of Condition(s)**

If any of the conditions or limitations of the Project are held to be invalid, that holding shall not invalidate any of the remaining 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 Owner 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, the Project 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 Owner 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 associated with the approval of the Project, at the discretion of the Planning Director, the Planning Director may review the Project and impose substitute feasible conditions to

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 6 of 22**

adequately address the subject matter of the invalidated condition, pursuant to the procedures set forth in the Ventura County Subdivision Ordinance (§ 8205-7 et seq. and § 8210-1, as applicable) and Ventura County Coastal Zoning Ordinance (§ 8181-10 et seq.). The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions 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 the PD Permit may expire and permits for development on the lots created by the Project may be revoked. (PL-14)

**10. Consultant Review of Information and Consultant Work**

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

Prior to the County engaging any independent consultants or contractors pursuant to the conditions of the Project, the County shall confer in writing with the Owner 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 Owner 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 Owner or a contractor of the Owner undertakes. In accordance with Condition No. 7 (above), if the County hires a consultant to review any work undertaken by the Owner, or hires a consultant to review the work undertaken by a contractor of the Owner, the hiring of the consultant will be at the Owner's expense. (PL-15)

**11. Relationship of CCC-PM and PD Permit Conditions, Laws and Other Permits**

The Owner shall design, maintain, and operate the Project site 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 CCC-PM or PD Permit condition contained herein is in conflict with any other CCC-PM or PD Permit condition contained herein, when principles of law do not provide to the contrary, the CCC-PM or PD Permit condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 7 of 22**

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

**12. Protection of Archaeological Resources During Ground Disturbance Activities Within 50 Feet of, or within, the Recorded Archeological Site**

**Purpose:** In accordance with the Phase I Archeological Study (Robert Wlodarski, archeologist, of the Historical, Environmental, Archeological, Research Team, March 2014) and Ventura County Coastal Area Plan Archaeology Policies 2, 4, and 5, archeological resources of the recorded prehistoric archeological site within the subject property shall be protected.

**Requirement:**

- a. Location of the recorded archaeological site will be kept confidential to avert disturbance or destruction.
- b. In order to prevent potential impacts to archaeological resources discovered during ground disturbance activities from ESHA restoration activities within 50 feet of or within the recorded archeological site, the following procedures are required:
  - i. cease ground disturbance activities and assure the preservation of the area in which the discovery was made;
  - ii. the Owner or Owner's agent shall obtain the services of a County-approved archaeologist, who shall consider the results and recommendations of Mr. Wlodarski's Phase I Study;
  - iii. the County-approved archaeologist shall assess the find and provide written recommendations on the proper disposition of the site in a written report format;
  - iv. obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming ground disturbance activities (including, but not limited to, ESHA restoration, grading, or construction); and
  - v. the qualified biologist responsible for implementing the ESHA restoration plan and the Owner will implement the agreed upon recommendations, subject to monitoring by Planning Division staff.
- c. Prior to the commencement of any future ground disturbance activities (including ground clearance, digging, trenching, grading, construction, equipment placement or similar surface or subsurface impacts) within 50 feet of or within the recorded



**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 8 of 22**

archeological site and not associated with ESHA restoration activities, the following procedure is required:

- i. the Owner or Owner's agent shall obtain the services of a County-approved archaeologist, who shall consider the results and recommendations of Mr. Wlodarski's Phase I Study;
  - ii. the County-approved archaeologist shall assess the impacts of the proposed ground disturbance activities in accordance with CEQA and the archaeological resource protection policies of the Ventura County General and Local Coastal Program, and provide written recommendations on the proper disposition of the site in a written report format. The written report will include a discussion/analysis of the recommendations and recommended mitigations provided in Mr. Wlodarski's Phase I Study;
  - iii. obtain the Planning Director's written concurrence of the recommended disposition of the site before commencing with ground disturbance activities;
  - iv. the Owner or Owner's agent will implement the agreed upon recommendations, subject to monitoring by Planning Division staff; and
  - v. a Native American monitor shall be present during all subsurface grading or construction activities within the recorded archeological site area. The Owner shall contract with a Native American monitor and Owner shall submit the contract for these services to the Planning Division Manager for review and approval. The Native American monitor shall submit a report to the Planning Division outlining the Native American monitor's field observations.
- d. If any human burial remains are encountered during any ground disturbance, grading, or construction activities (including, but not limited to, ESHA-restoration activities), the Owner shall:
- i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Immediately notify the County Coroner and the Planning Director;
  - iii. Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site in a written report format. In accordance with Ventura County Coastal Area Plan Archaeology Policy 2 (South Coast area), human burials should not be removed from the ground without specific authorization, and under the direction of Native American Monitors or Native American approved archaeologists;
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming ground disturbance, grading, or construction activities on-site; and
  - v. Implement the agreed upon recommendations.

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 9 of 22**

- e. New archaeological, historical, and ethnobotanical interpretation of native peoples in Ventura County collected during ground disturbance activities should be incorporated into existing and future interpretive programs at public recreation areas.

**Documentation:** The Owner shall record a copy of the conditions of approval of the Project (which will include this condition of approval) with the CCC-PM, in the Office of the County Recorder.

The Owner shall provide all applicable documentation identified in the Requirement section of this condition. Additional documentation may be required to demonstrate that the Owner has implemented any recommendations set forth in the archaeologist's report. Location of the recorded archaeological site will be kept confidential to avert disturbance or destruction.

**Timing:** The Owner shall record a copy of the conditions of approval of the Project concurrently with the CCC-PM for the Project. Within one week of recording the conditions of approval of the Project and CCC-PM, the Owner shall provide the Planning Division with a copy of the recorded conditions of approval and CCC-PM. Archaeological reports shall be provided to the Planning Division immediately upon completion.

**Monitoring and Timing:** The Planning Division will review the recorded conditions of approval to ensure that they were properly recorded. The Owner shall provide any archaeological report(s) prepared for the Project site to the Planning Division to be made a part of the Project file. The Owner shall implement any recommendations made in the archaeologist's report to the satisfaction of the Planning Director. Location of the recorded archaeological site will be kept confidential to avert disturbance or destruction.

**13. Archaeological Resources Discovered during Ground Disturbance Activities that Occur Greater than 50 Feet from the Recorded Archeological Site**

**Purpose:** In accordance with Ventura County Coastal Area Plan Archaeology Policies 2, 4, and 5, potential impacts to archaeological resources discovered during any ground disturbance activities that occur within the subject property but greater than 50 feet from the recorded archeological site shall be mitigated.

**Requirement:** The Owner shall implement the following procedures:

- a. If any archaeological or historical artifacts are uncovered during any ground disturbance or construction activities that occur within the subject property but greater than 50 feet from the recorded archeological site, the Owner shall:
  - i. Cease operations and assure the preservation of the area in which the discovery was made;

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 10 of 22**

- ii. Notify the Planning Director in writing, within three days of the discovery;
  - iii. Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site in a written report format;
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
  - v. Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Owner shall:
- i. Cease operations and assure the preservation of the area in which the discovery was made;
  - ii. Immediately notify the County Coroner and the Planning Director;
  - iii. Obtain the services of a County-approved archaeologist. In accordance with Ventura County Coastal Area Plan Archaeology Policy 2 (South Coast area), human burials should not be removed from the ground without specific authorization, and under the direction of Native American Monitors or Native American approved archaeologists;
  - iv. Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
  - v. Implement the agreed upon recommendations.
- c. Location of all coastal zone archaeological sites will be kept confidential to avert disturbance or destruction.
- d. New archaeological, historical, and ethnobotanical interpretation of native peoples in Ventura County collected during ground disturbance activities should be incorporated into existing and future interpretive programs at public recreation areas.

**Documentation:** If archaeological remains are encountered, the Owner shall submit a report prepared by a County-approved archaeologist including recommendations for the proper disposition of the site. Additional documentation may be required to demonstrate that the Owner has implemented any recommendations made by the archaeologist's report. The disposition of any burial remains found onsite should be disposed of in the manner described in the Requirements section and documented in a manner acceptable to the Planning Director.

Location of all coastal zone archaeological sites will be kept confidential to avert disturbance or destruction.

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Timing:** Archaeologist's reports shall be provided to the Planning Division immediately upon completion.

**Monitoring and Reporting:** The Owner shall provide any archaeologist's report prepared for the Project site to the Planning Division to be made a part of the Project file. The Owner shall implement any recommendations made in the archaeologist's report to the satisfaction of the Planning Director. Location of all coastal zone archaeological sites will be kept confidential to avert disturbance or destruction.

**14. Paleontological Resources Inadvertently Discovered During Any Ground Disturbance Activities**

**Purpose:** In accordance with Ventura County General Plan Goals, Policies and Programs Paleontological Resources Policies 1.8.2-2 and 1.8.2-3, potential impacts to paleontological resources that may be encountered during any ground disturbance or construction activities shall be mitigated.

**Requirement:** If any paleontological remains are uncovered during any ground disturbance or construction activities, the Owner shall:

- a. Cease operations and assure the preservation of the area in which the discovery was made;
- b. Notify the Planning Director in writing, within three days of the discovery;
- c. Obtain the services of a paleontological consultant or professional geologist who shall assess the find and provide recommendations on the proper disposition of the site;
- d. Comply with Ventura County General Plan Goals, Policies and Programs Paleontological Resources Policy 1.8.2-2., which requires any discretionary development to be designed or re-designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, paleontological, or geological consultants, depending on the type of resource in question;
- e. Comply with Ventura County General Plan Goals, Policies and Programs Paleontological Resources Policy 1.8.2-3, which requires mitigation of significant impacts on cultural or paleontological resources shall follow the Guidelines of the State Office of Historic Preservation, the State Native American Heritage

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 12 of 22**

Commission, and shall be performed in consultation with professionals in their respective areas of expertise;

- f. Obtain the Planning Director's written concurrence of the recommended disposition before resuming development; and
- g. Implement the agreed upon recommendations.

**Documentation:** The Owner shall submit the reports prepared by the paleontologist or geologist. Additional documentation may be required to demonstrate that the Owner has implemented the recommendations set forth in the paleontological report.

**Timing:** The Owner shall submit the paleontological reports to the Planning Division immediately upon completion.

**Monitoring and Reporting:** The Owner shall provide a paleontological report prepared for the Project site to the Planning Division to be made part of the Project file. The Owner shall implement the agreed upon recommendations made in the paleontological report to the satisfaction of the Planning Director. (PL-56)

**15. Requirement Prior to Physical Development of the Subject Property**

**Purpose:** The purpose of this condition is to ensure that future physical development occurs on property that meets the minimum lot size requirement set forth in Ventura County Coastal Area Plan Hazards Policy 7.

**Requirement:** Using the methodology and criteria set forth in Ventura County Coastal Area Plan Hazards Policy 7, the average slope of the subject property is 24.7% (Mark T. Wilson, California Registered Professional Engineer, July 2, 2014) and, consequently, the minimum lot size requirement for the subject property is 30 acres. With the exception of the ESHA abatement activities set forth in Condition No. 17 of these conditions (below)—prior to issuing a permit or other granting of approval to physically develop (e.g., vegetation clearing, grading, construction, installation of structures or the like) the subject property, the Owner shall acquire additional land to be added to the subject property in order to satisfy the 30-acre minimum lot size requirement set forth in Ventura County Coastal Area Plan Hazards Policy 7. Pursuant to Condition No. 17 of these conditions (below), onsite restoration, maintenance, and preservation of ESHA for the purpose of abating Planning Violation Case No. PV15-0027 (unpermitted vegetation clearance that occurred in 2015) may be conducted without satisfying the 30-acre minimum lot size requirement.

**Documentation:** The Owner shall provide a recorded parcel map, final map, lot line adjustment, lot merger, and/or deeds (collectively "recorded documents") which illustrate how the subject property has been enlarged to satisfy the 30-acre minimum lot size

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 13 of 22**

requirement, pursuant to the Subdivision Map Act, Ventura County Subdivision Ordinance, and/or Civil Code.

**Timing:** With the exception of the ESHA abatement activities set forth in Condition No. 17 of these conditions (below)—prior to issuing a permit or other granting of approval to develop (e.g., vegetation clearing, grading, construction, installation of structures or the like) the subject property, the Owner shall provide a copy of the recorded documents which illustrate how the subject property has been enlarged to satisfy the 30-acre minimum lot size requirement, pursuant to the Subdivision Map Act, Ventura County Subdivision Ordinance, and/or Civil Code.

**Monitoring and Reporting:** The Planning Division will maintain a copy of the recorded documents which illustrate how the subject property has been enlarged to satisfy the 30-acre minimum lot size requirement, pursuant to the Subdivision Map Act, Ventura County Subdivision Ordinance, and/or Civil Code.

**16. Advisory Notice Regarding Onsite ESHA**

The subject property contains ESHA, including coastal sage scrub, native grassland, semi-natural stands of vegetation, creek corridors, wetlands, or animal life that are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or harmed by human activities and development. The property owner and future property owners are advised that prior to approval of any future development (e.g., vegetation clearing, grading, construction, installation of structures or the like), a biological assessment will be required. The biological assessment shall include, at minimum, the extent of onsite ESHA, potential ESHA impacts, and any necessary mitigation measures for onsite ESHA not permanently protected. Land clearing and future physical development must be consistent with the ESHA and biological resource protection policies and development standards of the Local Coastal Program in effect at that time.

**17. Abatement Measure BIO-1 for Planning Violation Case No. PV15-0027 :  
Compensatory Mitigation for Impacts on ESHA**

**Purpose:** In order to abate Planning Violation Case No. PV15-0027, the Owner must restore and/or preserve ESHA at a 2:1 mitigation to impact ratio (15.76 acres of mitigation to offset 7.88 acres of removed ESHA). The mitigation offset shall consist of (1) onsite restoration and preservation, (2) offsite preservation of intact habitat, or (3) some combination of options (1) and (2) that results in the permanent protection of 15.76 acres of ESHA.

**Requirement:** The Owner shall restore and permanently protect onsite coastal sage scrub and native grassland ESHA and/or permanently protect currently unprotected coastal sage scrub and native grassland ESHA on land located offsite within the Santa

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 14 of 22**

Monica Mountains. One of the following options or a combination of the two must be used to fulfill the required 15.76 acre mitigation offset:

**Option 1: Offsite Preservation**

The Owner shall provide for the permanent protection of currently unprotected habitats by acquiring and/or conveying land (either in fee title or in the form of a "conservation easement" as this term is defined in Civil Code § 815.1, as may be amended) containing the unprotected habitats to a "governmental agency," "special district," or "conservation organization" (as these terms are defined in Government Code § 65965, as may be amended), or by funding the acquisition and management of such land by a governmental agency, special district, or conservation organization. Such land to be protected is hereinafter referred to as "Conservation Land."

The Owner also shall provide for the establishment of an endowment to fund the long-term "stewardship" (as this term is defined in Government Code § 65965, subdivision (l)) of the Conservation Land. This endowment shall be governed by Government Code §§ 65965 through 65968, as may be amended. The Owner shall fund this endowment with a principal amount that, when managed and invested prudently with an estimated rate of return similar to that of other endowments for similar purposes, is reasonably anticipated to cover the annual costs associated with the management, maintenance, monitoring, reporting, and other activities identified in the Conservation Plan (defined below) for the long-term stewardship of the Conservation Land.

The endowment shall be held, managed, invested, and disbursed in accordance with Government Code § 65966 for the sole purpose of providing for the long-term stewardship of the Conservation Land. Pursuant to Government Code § 65967, the Planning Division, or the party responsible for the long-term stewardship of the Conservation Land pursuant to the approved Conservation Plan (defined below), may contract with a separate party at any time to hold, manage, and invest the endowment funds and/or to disburse payments from the endowment to the party responsible for the long-term stewardship of the Conservation Land.

The Owner also shall make a one-time payment, in accordance with Government Code § 65966, subdivision (h), which will provide for the initial stewardship costs of the Conservation Land for up to three years while the endowment begins to accumulate investment earnings. The funds for the initial stewardship costs are distinct from the above-described funds for establishing the endowment. If there are funds remaining at the completion of the initial stewardship period, the funds shall be conveyed to the Owner.

The acreages of habitat types that must be protected as the Conservation Land to mitigate for project impacts are indicated in the table below. The acreages of ESHA vegetation alliances impacted must closely approximate the acreages of vegetation

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)****Owner:** Marwah et al.**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395**Date of Public Hearing:** February 22, 2016**Date of Approval:** DATE**Page 15 of 22**

alliances preserved on Conservation Lands. The selected Conservation Land must have equivalent or greater overall habitat value than the ESHA that was illegally cleared.

The number of acres that will be permanently protected will be the difference between the 15.76 acres total mitigation area and the acreage restored in accordance with Option 2 set forth below (e.g., if 7.88 acres is restored on-site, then an additional 7.88 acres must be protected off-site to total 15.76 acres of mitigation).

<b>ESHA Vegetation Alliances</b>	<b>Impacts (Acres)<sup>1</sup></b>	<b>Mitigation Required at 2:1 Ratio (Acres)</b>
California Encelia Shrubland	2.55	4.10
Giant Wild Rye ( <i>Leymus condensatus</i> ) Grassland	0.02	0.04
Laurel Sumac ( <i>Malosma laurina</i> ) Shrubland	5.31	10.62
<b>Total</b>	<b>7.88</b>	<b>15.76</b>

<sup>1</sup> Impact values for each vegetation alliance were taken from the Initial Study Biological Assessment completed by Forde Biological Consultants for the Conditional Certificate of Compliance in June of 2014.

**Option 2: On-Site Restoration and Preservation**

The areas selected to be restored on-site (Restoration Areas) must be mostly contiguous with one another and with intact habitats on the subject parcel and on neighboring parcels. Future development (including, but not limited to, fuel clearance for any future structures) shall be prohibited within the Restoration Areas. The Owner shall submit a site plan that delineates the areas of vegetation removed associated with the violation and includes the Restoration Areas with the proposed vegetation alliances delineated. This condition shall be recorded with the Ventura County Recorder's Office and serve as a notification that the Restoration Areas shall be preserved onsite in perpetuity. The Owner shall contract with a County-approved qualified biologist to prepare a Restoration Plan that must include the following plant communities: California Encelia (*Encelia californica*) shrubland, Giant Wild Rye (*Leymus condensatus*) Grassland, and Laurel Sumac (*Malosma laurina*) Shrubland. The Restoration Plan shall avoid, and include measures to prevent the degradation of, the two drainages and associated riparian vegetation that occur on the subject property. The Restoration Plan must also include the following:

- a. A reference site for each vegetation alliance (e.g., California Encelia shrubland, Laurel Sumac (*Malosma laurina*) Shrubland, and Giant Wild Rye Grassland) subject to the approval of the Planning Director that is an ecologically intact example of the alliance with minimal disturbance within the Santa Monica Mountains, with the following documented for each reference site:
  1. Total percent cover by native plant species;
  2. Species richness; and



**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 16 of 22**

3. Total percent cover by non-native plant species.
- b. A plant palette and methods of salvaging, propagating, and planting the site to be restored.
- c. Methods of soil preparation.
- d. Method and timing of irrigation.
- e. Best Management Practices to avoid erosion and excessive runoff before plant establishment.
- f. Maintenance and monitoring necessary to ensure that the restored plant communities meet the following success criteria by Year 5 of the maintenance and monitoring program:
  1. 90 percent of the native plant cover found for the reference site;
  2. 100 percent of the species richness found for the reference site; and
  3. Equal or lower percent cover by non-native plant species as that found for the reference site.
- g. Schedule for restoration activities including weed abatement, propagating and planting, soil preparation, irrigation, erosion control, qualitative and quantitative monitoring, and reporting.
- h. A Map that delineates the areas associated with the Violation where ESHA was removed and Restoration Areas onsite that demonstrate the locations of each vegetation alliance to be restored.

**Documentation:** Depending on the Option(s) selected, the following documentation requirements will apply:

**Option 1: Offsite Preservation:**

The Owner shall submit to the Planning Division a conservation plan addressing the following elements with respect to the Conservation Land and the endowment ("Conservation Plan"):

- The location, acreage, and habitat types for all land proposed to be permanently protected;
- Provisions for initial and long-term stewardship of the Conservation Land and the estimated annual costs thereof;
- Provisions for the annual reporting to the Planning Division regarding the condition and stewardship of the Conservation Land;

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 17 of 22**

- The identity and qualifications of the proposed governmental agency, special district, or conservation organization responsible for acquisition, protection, and/or long-term stewardship of the Conservation Land;
- A description of, and schedule for, the acquisition and/or conveyance (in fee title or by conservation easement) of the Conservation Land to the party selected to provide for its long-term stewardship;
- The proposed amount of the endowment and detailed description of how the amount of the endowment is computed;
- The proposed amount of the initial stewardship costs, detailed description of how it is computed, and the duration of the initial stewardship period; and
- The identity and qualifications of the party or parties proposed to hold, manage, invest, and/or disburse the endowment.

The Owner shall also provide the Planning Division, for its review and approval, a "mitigation agreement" (as this term is defined in Government Code § 65965) setting forth all terms and conditions regarding the long-term stewardship of the Conservation Land, and regarding the management of the endowment, to be entered into with the party or parties selected to perform these functions. The Owner shall also execute and record, or provide for the execution and recordation of, a conservation easement in favor of the County of Ventura protecting the Conservation Land in perpetuity prior to the conveyance of the Conservation Land (in fee title or by conservation easement) to the party responsible for its long-term stewardship. The conservation easement must, at a minimum:

1. be in a form acceptable to the Planning Division, and include a map and legal description of the restricted/protected areas that are subject to the conservation easement;
2. provide for the permanent protection of the protected biological resources on the subject lands;
3. run with the land, binding all successors and assigns, and the conservation easement shall be free and clear of all prior liens and encumbrances that the Planning Division determines may affect the enforceability of their restrictions; and
4. be recorded with the Ventura County Recorder so that the conservation easement appears on the subject property's title. The Owner shall submit, or provide for the submission of, a copy of the recorded instrument to the Planning Division.

**Option 2: On-Site Restoration and Preservation:**

The Owner shall submit to the Planning Division for review and approval, a Restoration Plan prepared by a County-approved qualified biologist that satisfies the requirements of this condition. Recordation of the approved Restoration Plan shall occur prior to issuance of a Zoning Clearance to commence Restoration Activities.

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 18 of 22**

**Timing:** The Owner shall submit a Conservation Plan and/or Restoration Plan in accordance with the requirements of this condition (above) to the Planning Director for review and approval within six months of the approval date of the PD Permit (Case No. PL15-0005). Depending on the option(s) selected, the following additional timing requirements will apply:

**Option 1: Offsite Preservation:** The Conservation Plan shall be executed pursuant to the schedule outlined therein, yet no later than one year after the Planning Director's approval of the Conservation Plan. This shall include:

- The funding of the required endowment for the Conservation Land.
- Making the above-referenced one-time payment of initial stewardship costs as directed by the Planning Division.
- Providing the final conservation easement and/or other legal instrument required by this condition and the Conservation Plan.

Once the Conservation Plan has been fully executed to the satisfaction of the Planning Director, the Planning Division will issue a Zoning Clearance certifying that the fully-executed Conservation Plan meets all the requirements of this condition.

**Option 2: On-Site Restoration and Preservation:** The Restoration Plan shall be executed pursuant to the schedule outlined therein and pursuant to the schedule provided below:

- Within six months of approval of the PD Permit, a Restoration Plan shall be submitted to the Planning Director for review and approval.
- Within 30 days of the Planning Director's approval of the Restoration Plan, the Owner shall record the approved Restoration Plan.
- Within one year after the Planning Director's approval of the Restoration Plan, on-site ESHA restoration and preservation activities shall commence. Prior to any on-site ESHA restoration and preservation activities, the Owner shall obtain a Zoning Clearance from the Planning Division.

The recordation of the approved Restoration Plan and/or this condition serves as notification that future development will be prohibited in the Restoration Areas and that the Restoration areas shall remain preserved in perpetuity.

**Monitoring and Reporting:** The Planning Division shall maintain a copy of all recorded instruments required by this condition in the Project file. The Planning Division has the authority to inspect the Conservation Lands and Restoration Areas to ensure that they are maintained as required. If the Planning Division confirms that Conservation Lands and/or Restoration Areas have not been maintained as required, enforcement actions may be enacted in accordance with the Ventura County Coastal Zoning Ordinance.

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 19 of 22**

Depending on the Option(s) selected, the following additional monitoring and reporting requirements will apply:

Option 1: Off-site Preservation: The Planning Division shall review the Conservation Plan, and if found to be adequate in light of applicable laws and the requirements set forth above, approve the submitted Conservation Plan for the protection of Conservation Lands. The Planning Division shall ensure that the Conservation Plan has been executed no later than one year after the Planning Director's approval of the Conservation Plan. Annual reporting regarding the condition and stewardship of the Conservation Land required by the Conservation Plan shall be submitted to the Planning Division for approval to ensure provisions of the Conservation Plan are adequately implemented.

Option 2: On-Site Restoration and Preservation: The Planning Director shall review the Restoration Plan, and if found to be adequate pursuant to the requirements set forth in this condition (above), approve the submitted Restoration Plan. The Planning Division shall also ensure this condition has been recorded such that future development is prohibited in the selected Restoration Areas as specified in the Restoration Plan. Within one year of the Planning Director's approval of the Restoration Plan, on-site ESHA restoration and preservation activities shall commence (after the Owner obtains a Zoning Clearance from the Planning Division). Monitoring reports shall be submitted and reviewed by the Planning Division pursuant to the schedule outlined in the approved Restoration Plan. If success criteria are not met within the 5 year monitoring period, contingency measures shall be implemented and restoration and monitoring shall continue until success criteria are met. The Owner shall submit all future development plans to the Planning Division for review and approval to ensure that future projects at the Project site are consistent with the approved Restoration Plan.

**Environmental Health Division (EHD) Conditions**

**18. Proof of Water Availability**

In order to obtain a building permit respecting the property for any proposed development which requires a supply of running potable (drinking) water, the Owner shall either:

- a. demonstrate to the satisfaction of the Ventura County RMA EHD the availability of an adequate supply of groundwater from an individual well(s) which meets the California Department of Public Health's chemical and bacteriological quality regulations for domestic water; or
- b. file with the Ventura County RMA Building and Safety Division a written agreement signed by the owner or operator of a public water system (as defined in Health and Safety Code § 4010.1) and approved by the Ventura County RMA

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 20 of 22**

EHD, which agreement shall be enforceable against the owner or operator of the water system by the owner of the property and the owner's successors-in-interest and shall require the owner or operator of the water system to connect the property to the system and to provide water service to such property.

**WARNING:** Compliance with this condition may be physically impossible or prohibitively expensive. If so, building permits will NOT be issued. (EHD-1)

**19. Proof of Sewage Disposal**

In order to obtain a building permit respecting the property for any development which requires connection to a sewage disposal system, the Owner for such permit shall either:

- a. obtain a soils report (containing the results of percolation testing, boring logs, and geological-hydrological evaluation) satisfactory to the Ventura County RMA EHD and obtain the approval of the Ventura County RMA EHD for an individual sewage disposal system for the property; or
- b. file with the Ventura County RMA Building and Safety Division a written agreement signed by a public sewer entity and approved by the Ventura County RMA EHD, which agreement shall be enforceable against the sewer entity by the owner of the property and the owner's successors-in-interest and shall require the sewer entity to connect the property to the system of sewers and to provide sewer service to such property.

**WARNING:** Compliance with this condition may be physically impossible or prohibitively expensive. If so, building permits will NOT be issued. (EHD-2)

**PUBLIC WORKS AGENCY CONDITIONS**

**Engineering Services Department**

**20. Limits on Conditional Certificate of Compliance Approval**

Approval of a Conditional Certificate of Compliance for a parcel does not guarantee approval of the development of the parcel. Approval of a Conditional Certificate of Compliance means only that the parcel has been created in compliance with the Subdivision Map Act and Ventura County Subdivision Ordinance. There is no relation between approval of the Conditional Certificate of Compliance and approval of other development of the parcel. (ESD-16)

**Ventura County Fire Protection District (VCFPD) CONDITIONS**

**21. Construction Access**

**Purpose:** To ensure that adequate fire department access is provided during construction in conformance with current California State Law and VCFPD Ordinance.

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

**Page 21 of 22**

**Requirement:** At the time at which the property owner proposes to physically develop (i.e., grading and/or construction) the property, the Owner shall install all utilities located within the access road(s) and a paved all-weather access road/driveway suitable for use by a 20 ton fire apparatus. The access road(s)/driveway(s) shall be maintained with a minimum 20 foot clear width at all times. Irrespective of physical development, fire hydrants shall be operational and accessible at all times. No parking, storage, or staging of equipment/supplies shall be located within 15 feet on either side of fire hydrants.

**Documentation:** A stamped copy of the construction access plan.

**Timing:** At the time at which the property owner proposes to physically develop (i.e., grading and/or construction) the property, the Owner shall submit plans to the Fire Prevention Bureau for approval before the issuance of building permits. All required access shall be installed before start of construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct periodic on-site inspections to ensure that all required VCFPD access is maintained during construction. Unless a modification is approved by the Fire Prevention Bureau, the Owner, and the Owner's successors-in-interest, shall maintain all required fire access during construction. (VCFPD 23)

**22. Hazard Abatement**

**Purpose:** To ensure compliance with VCFPD Ordinance.

**Requirement:** The Owner shall have all grass or brush adjacent to a structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the Project site. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

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

**Timing:** The Owner shall remove all grass and brush as outlined by the VCFPD's Fire Hazard Reduction Program guidelines before the start of construction of any structure.

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

**Conditions for CCC-PM (No. 5949) and Coastal PD Permit (Case No. PL15-0005)**

**Owner:** Marwah et al.

**Location/APNs:** Pacific Coast Highway and Yellow Hill Road, near Malibu/700-0-070-375 and -395

**Date of Public Hearing:** February 22, 2016

**Date of Approval:** DATE

Page 22 of 22

**23. Fuel Modification Plan (FMP)**

**Purpose:** To reduce hazardous fuel loads surrounding a project or developments to provide wildfire protection.

**Requirement:** The Owner shall prepare a FMP.

**Documentation:** A stamped copy of the approved FMP.

**Timing:** At the time at which the property owner proposes to physically develop the property, the Owner shall submit a FMP to the Fire Prevention Bureau for approval before the start of construction.

**Monitoring and Reporting:** A copy of the approved FMP shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure the Fuel Modification Zones are installed according to the approved FMP. The Fire Prevention Bureau shall conduct annual inspections through its Fire Hazard Reduction Program to ensure the Fuel Modification Zones are maintained according to the FMP. Unless a modification is approved by the Fire Prevention Bureau, the Owner, and the Owner's successors in interest, shall maintain the approved Fuel Modification Zones for the life of the development. (VCFPD-50)

**24. Fire Code Permits**

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

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

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

**Timing:** The Owner 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 Owner, and the Owner's successors-in-interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD-53)

OFFICIAL RECORDS  
OF VENTURA COUNTY RECORDER  
ROBERT L. HAMM

AUG 23 3 50 PM '82

VERIFIED-2

RECORDING REQUESTED BY  
RESOURCE MANAGEMENT AGENCY  
PLANNING DIVISION  
20 South Victoria Avenue  
Ventura, CA 93009

FREE - 4

COMPARED

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

## Description of the Property to Which this Notice Pertains:

Parcel A and Parcel B described attachment hereto.

## Names of the Current Record Owners of the Property:

Parcel A - Paul Williams  
Parcel B - Amarjit S. Marwak et al

NOTICE IS HEREBY GIVEN to all persons pursuant to Government Code Section 66499.36 as follows.

1. The County of Ventura has acquired knowledge that the above described property may have been divided in violation of the Subdivision Map Act and Ventura County ordinances enacted pursuant thereto. The suspected violation consists of the following:

Immediately prior to April 4, 1978, the above described parcels A and B were a single parcel for the purposes of the Subdivision Map Act and local ordinances enacted pursuant thereto.

By a grant deed dated April 4, 1978, and recorded on April 6, 1978 in Book 5087, Page 932 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company conveyed Parcel A to Paul Williams. By a grant deed dated May 2, 1980 and recorded on May 14, 1980, in Book 5654, Page 301 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company, conveyed Parcel B to Amarjit S. Marwak and Kuljit K. Marwak, and Narindar Singh and Anilam K. Singh. These conveyances were in violation of Government Code Section 8211, requiring a tentative map and parcel map for subdivision creating four or less lots or parcels.

2. A hearing shall be held before the appropriate Advisory Agency defined in Section 8205-1 of the Ventura County Ordinance Code on November 1, 1982 at 10:00 a.m. in Room 311 of the Administration Building, County Government Center, 800 South Victoria Avenue, Ventura, California, for the purpose of determining whether there has been an illegal division of the property.

3. The owners of the property shall have the right to present relevant evidence at the hearing. The Advisory Agency may, within its discretion, permit other persons to present evidence at the hearing.

4. If the preponderance of the evidence received at the hearing shows that the property has been illegally divided, the Advisory Agency shall record with the County Recorder a Notice of Violation with respect to the property. If the



County of Ventura  
Planning Division Hearing  
PL15-0005  
Exhibit 5—Notices of  
Intention to Record a NOV



# NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

CONTINUATION Williams/Marwak

weight of the evidence received at the hearing does not show that the property has been illegally divided, the Advisory Agency shall record with the County Recorder a release of this Notice of Intention.

Dated: 8/23/82

Advisory Agency

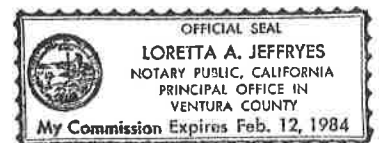
By Thomas Berg

STATE OF CALIFORNIA )  
VENTURA ) ss. COUNTY OF VENTURA)

On AUG. 23, 1982, before me, the undersigned a Notary Public in and for said County and State, personally appeared THOMAS BERG known to me to be a deputy of the Advisory Agency, and known to me to be the person who executed the foregoing Notice of Intention to Record Notice of Violation of Subdivision Laws on behalf of said Division, who acknowledged to me that such Division executed the same.

WITNESS my hand and official seal

Loretta A. Jeffries  
Notary Public



77993

## NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

CONTINUATION Williams/Marwak

### PARCEL A

Those portions of Lot 5 and the north half of the southwest quarter of section 26, Township 1 South, Range 20 West, San Bernardino Meridian, in the County of Ventura, State of California, according to the Official Plat thereof lying within the following described land:

Commencing at the west quarter corner of section 26; thence north  $88^{\circ} 49' 26''$  east along the northerly line of the land described in deed to WILLIAM G. HAY and wife recorded December 3, 1942 in Book 664, page 135 of Official Records of said County, a distance of 982.77 feet to the true point of beginning; thence,

- 1st - south  $7^{\circ} 56' 43''$  west 791.86 feet; thence,
- 2nd - south  $65^{\circ} 16' 28''$  east 1888.77 feet to an intersection with a line bearing south  $0^{\circ} 51' 10''$  east from a sandstone having an "R" cut into the south and west faces, which sandstone marks an angle point in the boundary of the above mentioned WILLIAM G. HAY parcel; thence along said line to and along said boundary,
- 3rd - north  $0^{\circ} 51' 10''$  west 1606.94 feet to a sandstone at an angle point in said boundary having the following markings: on the north face "center sec. 26" on the south face "R" and on the west face: "T&W"; thence,
- 4th - south  $88^{\circ} 49' 26''$  west 1582.56 feet to the true point of beginning.

Said land is presently assessed as Assessor's Parcel Nos 700-070-38,40.

77993

## NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

CONTINUATION Williams/Marwak

### PARCEL B

THOSE PORTIONS OF LOTS 5 AND 6, AND THE NORTH HALF OF THE SOUTHWEST 1/4 OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 20 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT, THEREOF DESCRIBED AS A WHOLE AS FOLLOWS:

COMMENCING AT THE WEST CORNER OF SAID SECTION 26, THENCE NORTH 88° 49' 26" EAST ALONG THE NORTHERLY LINE OF THE LAND DESCRIBED IN DEED TO WILLIAM G. HAY AND WIFE, RECORDED DEEMBER 3, 1942, IN BOOK 664, PAGE 135 OF OFFICIAL RECORDS OF SAID COUNTY, A DISTANCE OF 982.77 FEET THENCE LEAVING SAID NORTHERLY LINE SOUTH 7° 56' 43" WEST 791.86 FEET TO THE TRUE POINT OF BEGINNING; THENCE,

1ST: SOUTH 7° 56' 43" WEST 500.63 FEET TO AN INTERSECTION WITH THE NORTHERLY LINE OF PACIFIC COAST HIGHWAY, 100 FEET WIDE, SAID NORTHERLY LINE BEING THE NORTHERLY LINE OF PARCEL 1 AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA RECORDED SEPTEMBER 30, 1952 IN BOOK 1091 PAGE 66 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE,

2ND: EASTERLY ALONG THE NORTHERLY LINE OF SAID PARCEL 1 BEING ON THE ARC OF A CURVE CONCAVE TO THE NORTH HAVING A RADIUS OF 9950 FEET A RADIAL LINE TO THE POINT OF INTERSECTION ABOVE MENTIONED HAVING A BEARING OF SOUTH 22° 48' 27" WEST, A DISTANCE OF 148.91 FEET TO END OF SAID CURVE; THENCE TANGENT TO SAID CURVE,

3RD: SOUTH 68° 03' 00" EAST 1700.95 FEET TO A POINT DISTANT NORTH 21° 57' 00" EAST 50.00 FEET FROM A R.R. SPIKE SET BY THE STATE HIGHWAY ENGINEER AT THE EASTERLY EXTREMITY OF THE COURSE DESCRIBED AS "SOUTH 67° 03' 00" EAST 1700.21 FEET" IN DESCRIPTION OF THE CENTERLINE OF THE 80 FOOT STRIP GRANTED TO THE STATE OF CALIFORNIA BY DEED RECORDED IN BOOK 522 PAGE 333 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE,

4TH: EASTERLY ALONG THE ABOVE MENTIONED NORTHERLY LINE OF SAID PARCEL 1 BEING ALONG A CURVE TANGENT TO THE 3RD COURSE ABOVE DESCRIBED, BEING CONCAVE TO THE NORTH AND HAVING A RADIUS OF 9950 FEET, A DISTANCE OF 81.62 FEET TO AN INTERSECTION WITH A LINE BEARING SOUTH 0° 51' 10" EAST FROM A SANDSTONE HAVING A "R" CUT INTO THE SOUTH AND WEST FACES, WHICH SANDSTONE MARKS AN ANGLE POINT IN THE BOUNDARIES OF THE ABOVE MENTIONED WILLIAM G. HAY PARCEL: THENCE,

5TH: NORTH 0° 51' 10" WEST 428.53 FEET TO AN INTERSECTION WITH A LINE BEARING SOUTH 65° 16' 28" EAST FROM THE TRUE POINT OF BEGINNING; THENCE

6TH: NORTH 65° 16' 28" WEST 1888.77 FEET TO THE TRUE POINT OF BEGINNING.

MG:dc387

Said land is presently assessed as Assessor's Parcel No. 700-07-39. 437

*initial call*

RECORDING REQUESTED BY  
RESOURCE MANAGEMENT AGENCY  
PLANNING DIVISION  
800 South Victoria Avenue  
Ventura, CA 93009

RECORDER  
AUG 27 5 33 AM '82

FREE-4

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

## Description of the Property to Which this Notice Pertains:

Parcel A and Parcel B described attachment hereto.

## Names of the Current Record Owners of the Property:

Parcel A - Paul Williams  
Parcel B - Barbara J. Clarke

NOTICE IS HEREBY GIVEN to all persons pursuant to Government Code Section 66499.36 as follows:

1. The County of Ventura has acquired knowledge that the above described property may have been divided in violation of the Subdivision Map Act and Ventura County ordinances enacted pursuant thereto. The suspected violation consists of the following:

By a grant deed dated April 4, 1978, and recorded on April 6, 1978 in Book 5087, Page 932 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company conveyed to Paul Williams a property encompassing the land area described as Parcel A and Parcel B in this Notice. This conveyance is itself being investigated as a potential illegal subdivision pursuant to Document No. 77993 recorded August 23, 1982 in the Office of the Ventura County Recorder.

By a grant deed dated December 28, 1979, and recorded on January 18, 1980, in Book 5581, Page 287 of the Official Records in the Office of the Ventura County Recorder, Paul Williams conveyed Parcel B to Barbara J. Clarke. This conveyance was in violation of Government Code Section 8211, requiring a tentative map and parcel map for subdivisions creating four or less lots or parcels.

2. A hearing shall be held before the appropriate Advisory Agency defined in Section 8205-1 of the Ventura County Ordinance Code on November 1, 1982 at 10:00 a.m. in Room 311 of the Administration Building, County Government Center, 800 South Victoria Avenue, Ventura, California, for the purpose of determining whether there has been an illegal division of the property.

3. The owners of the property shall have the right to present relevant evidence at the hearing. The Advisory Agency may, within its discretion, permit other persons to present evidence at the hearing.

4. If the preponderance of the evidence received at the hearing shows that the property has been illegally divided, the Advisory Agency shall record with the County Recorder a Notice of Violation with respect to the property. If the



# NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

CONTINUATION Williams/Clarke

weight of the evidence received at the hearing does not show that the property has been illegally divided, the Advisory Agency shall record with the County Recorder a release of this Notice of Intention.

Dated: 8-27-82

Advisory Agency

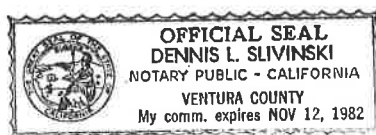
By Thomas Berg

STATE OF CALIFORNIA )  
) ss. COUNTY OF VENTURA)

On 8-27-82, before me, the undersigned a Notary Public in and for said County and State, personally appeared Thomas Berg known to me to be a deputy of the Advisory Agency, and known to me to be the person who executed the foregoing Notice of Intention to Record Notice of Violation of Subdivision Laws on behalf of said Division, who acknowledged to me that such Division executed the same.

WITNESS my hand and official seal

Dennis L. Slivinski  
Notary Public



79650

## NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

CONTINUATION Williams/Clark

### PARCEL A

Those portions of Lot 5 and the north half of the southwest quarter of section 26, Township 1 South, Range 20 West, San Bernardino Meridian, in the County of Ventura, State of California, according to the Official Plat thereof lying within the following described land:

Commencing at the west quarter corner of section 26; thence north  $88^{\circ} 49' 26''$  east along the northerly line of the land described in deed to WILLIAM G. HAY and wife recorded December 3, 1942 in Book 664, page 135 of Official Records of said County, a distance of 982.77 feet to the true point of beginning; thence,

- 1st - south  $7^{\circ} 56' 43''$  west 791.86 feet; thence,
- 2nd - south  $65^{\circ} 16' 28''$  east 1888.77 feet to an intersection with a line bearing south  $0^{\circ} 51' 10''$  east from a sandstone having an "R" cut into the south and west faces, which sandstone marks an angle point in the boundary of the above mentioned WILLIAM G. HAY parcel; thence along said line to and along said boundary,
- 3rd - north  $0^{\circ} 51' 10''$  west 1606.94 feet to a sandstone at an angle point in said boundary having the following markings: on the north face "center sec. 26" on the south face "R" and on the west face: "T&W"; thence,
- 4th - south  $88^{\circ} 49' 26''$  west 1582.56 feet to the true point of beginning.

Except that portion thereof described in this deed recorded January 18, 1980, in Book 5581, Page 287 of Official Records.

Said land is presently assessed as Assessor's Parcel No. 700-07-40.

79650

## NOTICE OF INTENTION TO RECORD A NOTICE OF VIOLATION

CONTINUATION Williams/Clarke

### PARCEL B

THOSE PORTIONS OF LOT 6, AND THE NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, TOWNSHIP 1 SOUTH, RANGE 20 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT OF THE SURVEY OF SAID LAND FILED APRIL 10, 1900 IN THE DISTRICT LAND OFFICE, LYING WITHIN THE FOLLOWING DESCRIBED LAND:

COMMENCING AT THE INTERSECTION OF THE WESTERLY LINE OF SAID NORTH HALF OF THE SOUTHWEST QUARTER OF SECTION 26, WITH THAT CERTAIN COURSE RECITED AS "SOUTH 65° 25' 30" EAST 1467.11 FEET", IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED OCTOBER 9, 1937 IN BOOK 522, PAGE 333 OF OFFICIAL RECORDS, AND BEING THE CENTERLINE OF PACIFIC COAST HIGHWAY (U.S. 101A); THENCE ALONG SAID WESTERLY LINE NORTH 0° 49' 41" WEST 958.5 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 26; THENCE, ALONG THE NORTHERLY LINE OF THE LAND DESCRIBED IN THE DEED TO WM G. HAY AND WIFE, RECORDED DECEMBER 3, 1942 IN BOOK 664, PAGE 135 OF OFFICIAL RECORDS, NORTH 88° 49' 26" EAST 982.77 FEET TO THE TRUE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID NORTHERLY LINE,

1ST: NORTH 88° 49' 52" EAST 418.28 FEET; THENCE,

2ND: SOUTH 15° 10' 34" EAST 549.73 FEET; THENCE,

3RD: SOUTH 42° 56' 36" WEST 504.28 FEET; THENCE,

4TH: SOUTH 68° 03' EAST 151.35 FEET; THENCE,

5TH: SOUTH 21° 57' WEST 560 FEET TO THE CENTER LINE OF SAID PACIFIC COAST HIGHWAY, BEING THE INTERSECTION WITH THAT CERTAIN COURSE, RECITED AS "SOUTH 68° 03' EAST 1700.21 FEET" IN SAID DEED TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 522 PAGE 333 OF OFFICIAL RECORDS; THENCE, ALONG SAID CENTER LINE BY THE FOLLOWING 2 COURSES,

6TH: NORTH 68° 03' WEST 225.68 FEET TO THE NORTHWESTERLY TERMINUS OF SAID LAST MENTIONED CERTAIN COURSE; THENCE,

7TH: NORTHWESTERLY ALONG A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 10,000 FEET, AN ARC DISTANCE OF 136.05 FEET, MORE OR LESS, TO THE INTERSECTION WITH A LINE WHICH BEARS SOUTH 7° 56' 43" WEST FROM SAID TRUE POINT OF BEGINNING; THENCE ALONG SAID LAST MENTIONED LINE,

8TH: NORTH 7° 56' 43" EAST 1344.30 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION OF SAID LAND LYING SOUTHERLY OF THE 6TH COURSE OF THE LAND DESCRIBED IN PARCEL 1, IN THE DEED TO MALIBU 65 INVESTMENT COMPANY, RECORDED AUGUST 1, 1967 AS DOCUMENT NO. 33036, IN BOOK 3175, PAGE 131 OF OFFICIAL RECORDS.

Said land is presently assessed as Assessor's Parcel No. 700-07-38.

79650

017149

OFFICIAL RECORDS OF  
VENTURA COUNTY RECORDER

VERIFIED-2

FEB 18 10 51 AM '83

FREE -3

COMPARIS  
COMPARIS

*will call*

RECORDING REQUESTED BY  
RESOURCE MANAGEMENT AGENCY  
PLANNING DIVISION  
800 South Victoria Avenue  
Ventura, CA 93009  
NOV-8303

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# NOTICE OF VIOLATION

GOVERNMENT CODE: SECTION 66499.36

This NOTICE applies to the REAL PROPERTY within the unincorporated territory of the County of Ventura.

Description of the Property to which this Notice Pertains:

Parcel A and Parcel B described in the attachment hereto.

Names of the Current Record Owners by the Property:

Parcel A - Paul Williams  
Parcel B - Amarjit S. Marwak et. al.

NOTICE IS HEREBY GIVEN to all persons pursuant to Government Code Section 66499.36 as follows:

1. A Notice of Intention to Record a Notice of Violation respecting the above-described property was recorded on August 23, 1982, as Document No. 077993 of the Official Records in the Office of the Ventura County Recorder.
2. A public hearing was held as provided in said Notices of Intention to Record a Notice of Violation and the Advisory Agency determined, based upon the preponderance of the evidence presented at the hearing, that the above-described property has been divided in violation of the Subdivision Map Act and Ventura County Ordinance enacted pursuant thereto.
3. By recordation of such violation, restrictions may be imposed by law upon the use, development, sale, lease financing or transfer of the above-described property.

This NOTICE shall be deemed to be constructive notice of said VIOLATION to all SUCCESSORS in INTEREST in such property.

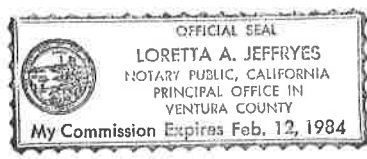
Dated: 2/17/83

ADVISORY AGENCY

By: Thomas Berg  
Thomas Berg, Senior Planner  
Zoning Administration Section  
County Planning Division

State of California )  
County of Ventura ) ss.

On this 17<sup>th</sup> day of FEBRUARY, in the year 1983, before me LORETTA A. JEFFRIES Notary Public for said State, personally appeared Thomas Berg, personally known to me to be the person who executed this instrument as Senior Planner, Planning Division, Resource Management Agency of the County of Ventura and acknowledged to me that the County of Ventura executed it.



Loretta A. Jeffries  
Notary Public

County of Ventura  
Planning Division Hearing  
PL15-0005  
Exhibit 6—Notices of  
Violation



# NOTICE OF VIOLATION

CONTINUATION

Williams/Marwak  
NOV8303

## PARCEL A

Those portions of Lot 5 and the north half of the southwest quarter of section 26, Township 1 South, Range 20 West, San Bernardino Meridian, in the County of Ventura, State of California, according to the Official Plat thereof lying within the following described land:

Commencing at the west quarter corner of section 26; thence north  $88^{\circ}49'26''$  east along the northerly line of the land described in deed to WILLIAM G. HAY and wife recorded December 3, 1942 in Book 664, page 135 of Official Records of said County, a distance of 982.77 feet to the true point of beginning; thence,

- 1st - south  $7^{\circ}56'43''$  west 791.86 feet; thence,
- 2nd - south  $65^{\circ}16'28''$  east 1888.77 feet to an intersection with a line bearing south  $0^{\circ}51'10''$  east from a sandstone having an "R" cut into the south and west faces, which sandstone marks an angle point in the boundary of the above mentioned WILLIAM G. HAY parcel; thence along said line to and along said boundary,
- 3rd - north  $0^{\circ}51'10''$  west 1606.94 feet to a sandstone at an angle point in said boundary having the following markings: on the north face "center sec. 26" on the south face "R" and on the west face: "T&W"; thence,
- 4th - south  $88^{\circ}49'26''$  west 1582.56 feet to the true point of beginning.

Said land is presently assessed as Assessor's Parcel Nos. 700-070-38, 40.

17149

# NOTICE OF VIOLATION

CONTINUATION

Williams/Marwak  
NOV8303

## PARCEL B

Those portions of Lots 5 and 6, and the north half of the southwest 1/4 of section 26, township 1 south, range 20 west, San Bernardino meridian, in the County of Ventura, State of California, according to the official plat, thereof described as a whole as follows:

Commencing at the west corner of said section 26, thence north  $88^{\circ}49'26''$  east along the northerly line of the land described in deed to William G. Hay and wife, recorded December 3, 1942, in Book 664, Page 135 of official records of said County, a distance of 982.77 feet thence leaving said northerly line south  $7^{\circ}56'43''$  west 791.86 feet to the true point of beginning; thence,

- 1st - South  $7^{\circ}56'43''$  west 500.63 feet to an intersection with the northerly line of Pacific Coast Highway, 100 feet wide, said northerly line being the northerly line of Parcel 1 as described in deed to the State of California recorded September 30, 1952 in Book 1091 Page 66 of official records of said County; thence,
- 2nd - Easterly along the northerly line of said Parcel 1 being on the arc of a curve concave to the north having a radius of 9,950 feet a radial line to the point of intersection above mentioned having a bearing of south  $22^{\circ}48'27''$  west, a distance of 148.91 feet to end of said curve; thence tangent to said curve,
- 3rd - South  $68^{\circ}03'00''$  east 1700.95 feet to a point distant north  $21^{\circ}57'00''$  east 50.00 feet from a R.R. spike set by the State Highway Engineer at the easterly extremity of the course described as "south  $67^{\circ}03'00''$  east 1700.21 feet" in description of the centerline of the 80 foot strip granted to the State of California by deed recorded in Book 522 Page 333 of official records of said County; thence,
- 4th - Easterly along the above mentioned northerly line of said Parcel 1 being along a curve tangent to the 3rd course above described, being concave to the north and having a radius of 9950 feet, a distance of 81.62 feet to an intersection with a line bearing south  $0^{\circ}51'10''$  east from a sandstone having a "R" cut into the south and west faces, which sandstone marks an angle point in the boundaries of the above mentioned William G. Hay parcel: thence,
- 5th - North  $0^{\circ}51'10''$  west 428.53 feet to an intersection with a line bearing south  $65^{\circ}16'28''$  east from the true point of beginning; thence
- 6th - North  $65^{\circ}16'28''$  west 1888.77 feet to the true point of beginning.

Said land is presently assessed as Assessor's Parcel No. 700-07-39. and -37,

MG:1A290

fu

17149

OFFICIAL RECORDS OF  
VENTURA COUNTY RECORDER

FEB 18 10 51 AM '83

FREE -3

COMPALED  
COMPALED

*will call*

RECORDING REQUESTED BY

RESOURCE MANAGEMENT AGENCY  
PLANNING DIVISION  
800 South Victoria Avenue  
Ventura, CA 93009

NOV-8304

SPACE ABOVE THIS LINE FOR RECORDER'S USE

# NOTICE OF VIOLATION

GOVERNMENT CODE: SECTION 66499.36

This NOTICE applies to the REAL PROPERTY within the unincorporated territory of the County of Ventura.

Description of the Property to which this Notice Pertains:

Parcel A and B described in the attachment hereto.

Names of the Current Record Owners by the Property:

Parcel A - Paul Williams  
Parcel B - Barbara J. Clarke

NOTICE IS HEREBY GIVEN to all persons pursuant to Government Code Section 66499.36 as follows:

1. A Notice of Intention to Record a Notice of Violation<sup>29</sup> respecting the above-described property was recorded on August 23, 1982, as Document No. 079650 of the Official Records in the Office of the Ventura County Recorder.
2. A public hearing was held as provided in said Notices of Intention to Record a Notice of Violation and the Advisory Agency determined, based upon the preponderance of the evidence presented at the hearing, that the above-described property has been divided in violation of the Subdivision Map Act and Ventura County Ordinance enacted pursuant thereto.
3. By recordation of such violation, restrictions may be imposed by law upon the use, development, sale, lease financing or transfer of the above-described property.

This NOTICE shall be deemed to be constructive notice of said VIOLATION to all SUCCESSORS in INTEREST in such property.

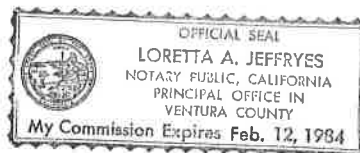
Dated: 2/17/83

ADVISORY AGENCY

By: Thomas Berg  
Thomas Berg, Senior Planner  
Zoning Administration Section  
County Planning Division

State of California )  
County of Ventura ) ss.

On this 17<sup>th</sup> day of February, in the year 1983, before me Loretta A. Jeffries personally appeared Thomas Berg, personally known to me to be the person who executed this instrument as Senior Planner, Planning Division, Resource Management Agency of the County of Ventura and acknowledged to me that the County of Ventura executed it.



Loretta A. Jeffries  
Notary Public

NOTICE OF INTENTION TO RECORD

**A NOTICE OF VIOLATION****CONTINUATION****PARCEL A**

Those portions of Lot 5 and the north half of the southwest quarter of section 26, Township 1 South, Range 20 West, San Bernardino Meridian, in the County of Ventura, State of California, according to the Official Plat thereof lying within the following described land:

Commencing at the west quarter corner of section 26; thence north  $88^{\circ} 49' 26''$  east along the northerly line of the land described in deed to WILLIAM G. HAY and wife recorded December 3, 1942 in Book 664, page 135 of Official Records and said County, a distance of 982.77 feet to the true point of beginning; thence,

- 1st - south  $7^{\circ} 56' 43''$  west 791.86 feet; thence,
- 2nd - south  $65^{\circ} 16' 28''$  east 1888.77 feet to an intersection with a line bearing south  $0^{\circ} 51' 10''$  east from a sandstone having an "R" cut into the south and west faces, which sandstone marks an angle point in the boundary of the above mentioned WILLIAM G. HAY parcel; thence along said line to and along said boundary,
- 3rd - north  $0^{\circ} 51' 10''$  west 1606.94 feet to a sandstone at an angle point in said boundary having the following markings: on the north face "center sec. 26" on the south face "R" and on the west face: "T&W"; thence,
- 4th - south  $88^{\circ} 49' 26''$  west 1582.56 feet to the true point of beginning.

Except that portion thereof described in this deed recorded January 18, 1980, in Book 5581, Page 287 of Official Records.

Said land is presently assessed as Assessor's Parcel No. 700-07-40.

17148

NOTICE OF INTENTION TO RECORD  
**A NOTICE OF VIOLATION**

**CONTINUATION**

**PARCEL B**

Those portions of Lot 6, and the north half of the southwest quarter of Section 26, Township 1 South, range 20 west, San Bernardino Meridian, in the County of Ventura, State of California, according to the official plat of the survey of said land filed April 10, 1900 in the District Land Office, lying within the following described land:

Commencing at the intersection of the westerly line of said north half of the southwest quarter of Section 26, with that certain course recited as "South 65° 25' 30" east 1467.11 feet", in the deed to the State of California, recorded October 9, 1937 in Book 522, Page 333 of Official Records, and being the centerline of Pacific Coast Highway (U.S. 101A); thence along said westerly line north 0° 49' 41" west 958.5 feet to the west quarter corner of said Section 26; thence, along the northerly line of the land described in the deed to WM G. HAY and wife, recorded December 3, 1942 in Book 664, Page 135 of Official Records, north 88° 49' 26" east 982.77 feet to the true point of beginning: thence, continuing along said northerly line,

- 1st - north 88° 49' 52" east 418.28 feet; thence,
- 2nd - south 15° 10' 34" east 549.73 feet; thence,
- 3rd - south 42° 56' 36" west 504.28 feet; thence,
- 4th - south 68° 03' east 151.35 feet; thence,
- 5th - south 21° 57' west 560 feet to the center line of said Pacific Coast Highway, being the intersection with that certain course, recited as "South 68° 03' east 1700.21 feet" in said deed to the State of California, recorded in Book 522, Page 333 of Official Records; thence, along said center line by the following 2 courses,
- 6th - north 68° 03' west 225.68 feet to the northwesterly terminus of said last mentioned certain course; thence,
- 7th - northwesterly along a tangent curve concave northeasterly having a radius of 10,000 feet, an arc distance of 136.05 feet, more or less, to the intersection with a line which bears south 7° 56' 43" west from said true point of beginning; thence along said last mentioned line,
- 8th - north 7° 56' 43" east 1344.30 feet to the true point of beginning.

Except that portion of said land lying southerly of the 6th course of the land described in Parcel 1, in the deed to Malibu 65 Investment Company, recorded August 1, 1967 as Document No. 33036, in Book 3175, Page 131 of Official Records.

Said land is presently assessed as Assessor's Parcel No. 700-07-38.

MGcmK5

17148

RESOURCE MANAGEMENT AGENCY  
**county of ventura**

Planning Division

Dennis Davis, AICP  
Manager

February 24, 1983

Amarjit S. Marwak et al  
3701 Stocker Street  
Los Angeles, CA 90008

Subject: Determination of Findings (NOI-8203)  
Assessor's Parcel Nos. 700-070-39, 40

Dear Mr. Williams:

On December 15, 1982 at 1:30 p.m. a hearing was held to review evidence as to whether a violation of the Subdivision Map Act and local ordinances had occurred. Upon review of the information presented at this hearing, the Advisory Agency finds that a preponderance of evidence supports the finding.

This determination is made based on the following evidence:

- (1) Immediately prior to April 4, 1978, the parcels identified as parcels A and B in the Notice of Intention NOI-8203 were a single parcel for the purposes of the Subdivision Map Act and local ordinances enacted pursuant thereto.
- (2) By a grant deed dated April 4, 1978, and recorded on April 6, 1978 in Book 5087, Page 932 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company conveyed Parcel A to Paul Williams. By a grant deed dated May 2, 1980 and recorded on May 14, 1980, in Book 5654, Page 301 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company, conveyed Parcel B to Amarjit S. Marwak and Kuljit K. Marwak, and Narindar Singh and Anilam K. Singh.
- (3) The above conveyances were in violation of Government Code Section 66499.30(b) and Ventura County Ordinance Code Section 8211, requiring a tentative map and parcel map for a subdivision creating four or less lots.
- (4) No other evidence was submitted at the hearing to indicate that the said violation had not taken place.

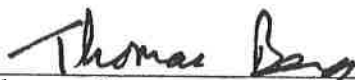
County of Ventura  
Planning Division Hearing  
PL15-0005

800 South

**Exhibit 7— Determination of  
Findings Letters**

Finding that the preponderance of evidence presented at the hearing shows that Assessor's Parcel No(s). 700-070-39 and 700-070-40 were divided in violation of the Subdivision Map Act and local ordinance enacted thereto; it is the determination of the Advisory Agency that a Notice of Violation shall be recorded with the office of the Ventura County Recorder.

ADVISORY AGENCY



Thomas Berg, Senior Planner  
Planning Division



Louis E. Rutledge  
Deputy County Surveyor



William H. Korth  
Agency Enforcement Officer  
Resource Management Agency

MG:1A291

February 24, 1983

Paul Williams  
9255 Sunset Blvd., Ste. 1011  
Los Angeles, CA 90069

Subject: Determination of Findings (NOI-8203) *M*  
Assessor's Parcel Nos. 700-070-39, 40

Dear Mr. Williams:

On December 15, 1982 at 1:30 p.m. a hearing was held to review evidence as to whether a violation of the Subdivision Map Act and local ordinances had occurred. Upon review of the information presented at this hearing, the Advisory Agency finds that a preponderance of evidence supports the finding.

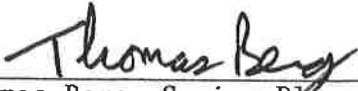
This determination is made based on the following evidence:

- (1) Immediately prior to April 4, 1978, the parcels identified as A and B in the Notice of Intention NOI-8203 were a single parcel for the purposes of the Subdivision Map Act and local ordinances enacted pursuant thereto.
- (2) By a grant deed dated April 4, 1978, and recorded on April 6, 1978 in Book 5087, Page 932 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company conveyed Parcel A to Paul Williams. By a grant deed dated May 2, 1980 and recorded on May 14, 1980, in Book 5654, Page 301 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company, conveyed Parcel B to Amarjit S. Marwak and Kuljit K. Marwak, and Narindar Singh and Anilam K. Singh.
- (3) The above conveyances were in violation of Government Code 66499.30(b) and Ventura County Ordinance Code Section 8211, requiring a tentative map and parcel map for a subdivision creating four or less lots.
- (4) No other evidence was submitted at the hearing to indicate that the said violation had not taken place.



Finding that the preponderance of evidence presented at the hearing shows that Assessor's Parcel No(s). 700-070-39 and 700-070-40 were divided in violation of the Subdivision Map Act and local ordinance enacted thereto; it is the determination of the Advisory Agency that a Notice of Violation shall be recorded with the office of the Ventura County Recorder.

ADVISORY AGENCY



Thomas Berg, Senior Planner  
Planning Division



Louis E. Rutledge  
Deputy County Surveyor



William H. Korth  
Agency Enforcement Officer  
Resource Management Agency

MG:1A291

RESOURCE MANAGEMENT AGENCY  
**county of ventura**

Planning Division

Dennis Davis, AICP  
Manager

February 24, 1983

Paul Williams  
9255 Sunset Blvd., Suite 1011  
Los Angeles, CA 90069

Subject: Determination of Findings (NOI-8204)  
Assessor's Parcel Nos. 700-07-40 and 700-07-38

Dear Mr. Williams:

On December 15, 1982 at 1:30 p.m. a hearing was held to review evidence as to whether a violation of the Subdivision Map Act and local ordinances had occurred. Upon review of the information presented at this hearing, the Advisory Agency finds that a preponderance of evidence supports the finding that the properties in question were divided in violation of the Subdivision Map Act and local ordinance.

This determination is made based on the following evidence:

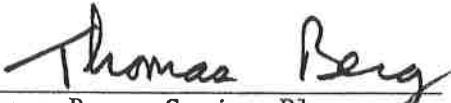
- (1) By a grant deed dated April 4, 1978, and recorded on April 6, 1978 in Book 5087, Page 932 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company conveyed to Paul Williams a property encompassing the land area described as Parcel A and Parcel B in the Notice of Intention NOI 8204.

By a grant deed dated December 28, 1979, and recorded on January 18, 1980, in Book 5581, Page 287 of the Official Records in the Office of the Ventura County Recorder, Paul Williams conveyed Parcel B to Barbara J. Clarke.

- (2) The conveyance of December 28, 1979 was in violation of Government Code Section 66499.30(b) and Ventura County Ordinance Code Section 8211, requiring a tentative map and parcel map for subdivisions creating four or less lots.
- (3) No other evidence was submitted at the hearing to indicate that the said violation had not taken place.

Finding that the preponderance of evidence presented at the hearing shows that Assessor's Parcel Nos. 700-07-38 and 700-07-40 were divided in violation of the Subdivision Map Act and local ordinance enacted thereto; it is the determination of the Advisory Agency that a Notice of Violation shall be recorded with the office of the Ventura County Recorder.

ADVISORY AGENCY



Thomas Berg, Senior Planner  
Planning Division



Louis E. Rutledge  
Deputy County Surveyor



William H. Korth  
Agency Enforcement Officer  
Resource Management Agency

MG:1A287

RESOURCE MANAGEMENT AGENCY

# county of ventura

Planning Division

Dennis Davis, AICP  
Manager

February 24, 1983

Barbara Clarke  
40101 Pacific Coast Hwy.  
Malibu, CA 90265

Subject: Determination of Findings (NOI-8204)  
Assessor's Parcel Nos. 700-07-38 and 700-07-40

Dear Ms. Clarke:

On December 15, 1982 at 1:30 p.m. a hearing was held to review evidence as to whether a violation of the Subdivision Map Act and local ordinances had occurred. Upon review of the information presented at this hearing, the Advisory Agency finds that a preponderance of evidence supports the finding that the properties in question were divided in violation of the Subdivision Map Act and local ordinance.

This determination is made based on the following evidence:

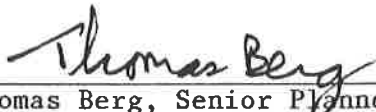
- (1) By a grant deed dated April 4, 1978, and recorded on April 6, 1978 in Book 5087, Page 932 of the Official Records in the Office of the Ventura County Recorder, Malibu 65 Investment Company conveyed to Paul Williams a property encompassing the land area described as Parcel A and Parcel B in the Notice of Intention NOI-8204.

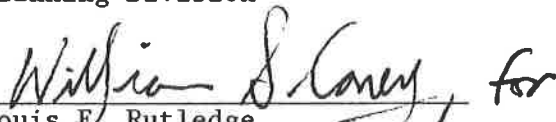
By a grant deed dated December 28, 1979, and recorded on January 18, 1980, in Book 5581, Page 287 of the Official Records in the Office of the Ventura County Recorder, Paul Williams conveyed Parcel B to Barbara J. Clarke.

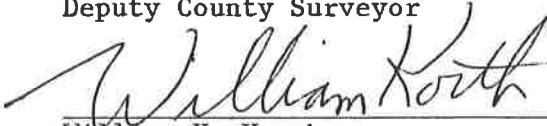
- (2) The conveyance of December 28, 1979 was in violation of Government Code Section 66499.30(b) and Ventura County Ordinance Code Section 8211, requiring a tentative map and parcel map for subdivisions creating four or less lots.
- (3) No other evidence was submitted at the hearing to indicate that the said violation had not taken place.

Finding that the preponderance of evidence presented at the hearing shows that Assessor's Parcel Nos. 700-07-38 and 700-07-40 were divided in violation of the Subdivision Map Act and local ordinance enacted thereto; it is the determination of the Advisory Agency that a Notice of Violation shall be recorded with the office of the Ventura County Recorder.

ADVISORY AGENCY

  
Thomas Berg, Senior Planner  
Planning Division

  
Louis E. Rutledge  
Deputy County Surveyor

  
William H. Korth  
Agency Enforcement Officer  
Resource Management Agency

MG:1A287