

**EXHIBIT 5 - DRAFT CONDITIONS OF APPROVAL AND MITIGATION AND  
REPORTING PROGRAM FOR COASTAL PLANNED DEVELOPMENT (PD) PERMIT  
CASE NO. PL17-0130**

**RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS**

**Planning Division**

1. Project Description

This Coastal PD Permit is based on and limited to compliance with the project description stated in this condition below, Exhibit 3 of the Planning Director hearing on June 3, 2021, and conditions of approval set forth below. Together, these conditions and 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 Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The Applicant requests a Coastal Planned Development (PD) Permit to construct a private driveway in Ventura County to access a proposed single-family dwelling located on APN 4472-016-004 (addressed as 10112 Yellow Hill Road) in Los Angeles County, immediately across the County line (Los Angeles County Case Nos. RCDP T2014-00015 and RENV T2014-00287). The new access driveway will begin at APN 700-0-030-095 and would be located within an existing 60-foot-wide access easement (Ventura County Recorder Document No. 46775, Book 4603, Page 952). The private driveway would then pass into APNs 700-0-030-055 and 700-0-030-115 and would be located within a new 40-foot-access easement (Ventura County Recorder Instrument No. 20140617-00074852-0 and 20140702-00082676-0). The total length of the driveway is approximately 1,532 feet; however, only 1,312 linear feet is located in the unincorporated area of Ventura County and is further described below.

Proposed Driveway Access: The first 629-foot-long section of the access road (driveway), begins south of Yellow Hill Road and will be paved with asphalt concrete followed by approximately 325 feet of driveway that will remain unimproved. The final 357-foot-section of road, up to the Los Angeles County line, will be paved with asphalt concrete. Retaining walls would be constructed along the steeper sloped sections of the driveway. Starting south of Yellow Hill Road there will be retaining walls that are approximately 274.3 feet and 168.6 feet in length, and no more than five feet at maximum height; a retaining wall approximately 75.8 feet in length and no more than 8 feet at maximum height; and, the final portion of driveway that consists of two retaining walls within Ventura County that

are approximately 52.9 feet in length and 110.6 feet in length and no more than 4 feet at maximum height. There will be no lighting fixtures on the access road.

Estimated earthwork within Ventura County includes 604 cubic yards of cut and 64 cubic yards of fill. There will be approximately 2,552 cubic yards of over excavation, alluvial removal, compaction and 540 cubic yards will be exported (Exhibit 3).

Permanent impacts to ESHA from the proposed access driveway and required 10-foot road buffer fuel modification zone is estimated to be a total of 1.26 acres. Approximately 1.06 acres of ESHA was removed without the benefit of a permit and is not within the development footprint. A total of 2.32 acres of sensitive plant communities that constitute ESHA will be mitigated at a 2:1 mitigation to impact ratio (4.64 acres of mitigation to offset 2.32 acres of loss of ESHA).

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

## 2. Required Improvements for Coastal PD Permit

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

**Requirement:** The Permittee shall ensure that all required off-site and on-site improvements for the Project, including structures, grading, paving, fencing and landscaping are completed in conformance with the approved plans stamped as Exhibit 3 of the Planning Director on June 3, 2021. The Permittee shall prepare and submit all final building and site plans for the County's review and approval in accordance with the approved plans.

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

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

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

### 3. Site Maintenance

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

**Requirement:** The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1 (Project Description). Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project. All construction activities (e.g., ground disturbance), storage and construction materials, and storage of construction equipment shall be prohibited outside the project site.

**Documentation:** The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

**Timing:** The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

**Monitoring and Reporting:** The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

### 4. Coastal Permit PD Modification

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

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and

- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

5. Construction Activities

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

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this Coastal PD Permit and/or commencement of construction and/or operations under this Coastal PD Permit shall constitute the Permittee's formal agreement to comply with all conditions of this Coastal PD Permit. Failure to abide by and comply with any condition of this Coastal PD Permit shall constitute grounds for enforcement action provided in the Ventura County Coastal Zoning Ordinance (Article 13), which shall include, but is not limited to, the following:

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

The Permittee is responsible for being aware of and complying with the Coastal PD Permit conditions and all applicable federal, state, and local laws and regulations.

7. Time Limits

a. Construction:

- (1) The approval decision for this Coastal PD Permit becomes effective upon the expiration of the 10 day appeal period following the approval decision/date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for construction in order to initiate the land uses set forth in Condition No. 1.
- (2) This Coastal PD Permit shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for construction within one year from the date the approval decision of this Coastal PD becomes effective. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for construction if the Permittee can demonstrate to the

satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.

- (3) Prior to the issuance of the Zoning Clearance for construction, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for construction, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this Coastal PD Permit.

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

**Purpose:** To ensure compliance with, and notification of, federal, state, and/or local government regulatory agencies that have requirements that pertain to the Project (Condition No. 1, above) that is the subject of this Coastal PD Permit and the completion of the Mitigation and Monitoring Reporting Program.

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

**Documentation:** The Permittee shall provide federal and state permits or notification a permit is not required, and the Los Angeles County approved Coastal Planned Development Permit and building permits to construct the single-family dwelling. The Permittee shall also provide the recorded "Quitclaim, Acknowledgment and Clarification of Easement Rights" document that correctly describes the terms of easement and legal description of legal access through National Park Service land in Los Angeles County. The Permittee shall provide this documentation to Planning Division staff in the form that is acceptable to the agency issuing the entitlement or clearance, to be included in the Planning Division Project file.

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

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

9. Notice of Coastal PD Permit Requirements and Retention of Coastal PD Permit Conditions On Site

**Purpose:** To ensure full and proper notice of these Coastal PD Permit conditions affecting the use of the subject property.

**Requirement:** Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this Coastal PD Permit.

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

**Timing:** Prior to issuance of a Zoning Clearance for construction and throughout the life of the Project.

**Monitoring and Reporting:** The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

10. Recorded Notice of Land Use Entitlement

**Purpose:** The Permittee shall record a “Notice of Land Use Entitlement” form and the conditions of this Coastal PD Permit with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this Coastal PD Permit.

**Requirement:** The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a “Notice of Land Use Entitlement” form furnished by the Planning Division and the conditions of this Coastal PD Permit, with the deed of the property that is subject to this Coastal PD Permit.

**Documentation:** Recorded “Notice of Land Use Entitlement” form and conditions of this Coastal PD Permit.

**Timing:** The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this Coastal PD Permit, prior to issuance of a Zoning Clearance for construction.

**Monitoring and Reporting:** The Permittee shall return a copy of the recorded “Notice of Land Use Entitlement” form and conditions of this Coastal PD Permit to Planning Division staff to be included in the Project file.

11. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition

compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5) related to this Coastal PD Permit. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

b. Establishment of Revolving Compliance Account:

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

(1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 11.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.

(2) An executed reimbursement agreement, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment

c. Billing Process: The Permittee shall pay all Planning Division invoices within 30 days of receipt thereof. Failure to timely pay an invoice shall subject the Permittee to late fees and charges set forth in the Planning Division Fee Schedule, and shall be grounds for suspension, modification, or revocation of this Coastal PD Permit. The Permittee shall have the right to challenge any charge or penalty prior to payment.

12. Defense and Indemnification

a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of

the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this Coastal PD Permit. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.

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

13. Invalidation of Condition(s)

If any of the conditions or limitations of this Coastal PD Permit are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining Coastal PD Permit conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this Coastal PD Permit, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This Coastal PD Permit shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this Coastal PD Permit, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this Coastal PD Permit may be revoked.

14. Consultant Review of Information and Consultant Work

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

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 12 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

15. Relationship of Coastal PD Permit Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any Coastal PD Permit condition contained herein is in conflict with any other Coastal PD Permit condition contained herein, when principles of law do not provide to the contrary, the Coastal PD Permit condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this Coastal 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 this Coastal PD Permit, nor compliance with the conditions of this Coastal PD Permit, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

16. Contact Person

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

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

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

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

**Monitoring and Reporting:** The Planning Division maintains the contact information provided by the Permittee in the Project file. The Planning Division has the authority to periodically confirm the contact information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

17. Change of Permittee

**Purpose:** To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

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

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

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

**Monitoring and Reporting:** The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

18. Landscaping Plan

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

**Requirement:** The Permittee shall retain a landscape architect to prepare a landscape plan that complies with the requirements of this conditions and the "Ventura County Landscape Design Criteria" (1992), and the California Department of Water Resources Model Water Efficient Landscape Ordinance. The landscaping must also satisfy the following requirements:

- a. The Permittee must install landscaping that: (1) visually integrates the development with the surroundings of the Project site; (2) does not include non-native, invasive species; (3) does not include non-native species that are visually incompatible with the topography and plant communities (e.g., coastal sage scrub plant community) surrounding the project site; and (4) utilizes native plant species that are found in the coastal sage scrub community surrounding the Project site. Landscaping must utilize plants that are native to the Santa Monica Mountains.
- b. The Landscape Plan shall include native species acceptable to the Ventura County Fire Protection District within the 10-foot fuel modification zone surrounding the access road.
- c. The Permittee must revegetate cut slopes in excess of 5 feet and fill slopes in excess of 3 feet.
- d. The Permittee must restore or reclaims disturbed land with vegetation.
- e. The Permittee must install landscaping that complies with the requirements of the California Department of Water Resources' Model Water Efficient Landscape Ordinance, which is available on-line at: <http://www.water.ca.gov/wateruseefficiency/landscapeordinance/>.

**Landscaping Design:** The Permittee shall design the required landscaping such that the landscaping requires minimal amounts of water and uses required water efficiently, in the accordance with the water efficiency requirements of the Landscape Design Criteria and

the California Department of Water Resources Model Water Efficient Landscape Ordinance, and must achieve the following design objectives:

- a. Use Available Non-Potable Sources of Water. The landscaping must involve the harvesting and/or use of alternative, non-potable sources of water, including stormwater, reclaimed water, and gray water, if available for the Project site.
- b. Protection of Solar Access. The Permittee must design the landscaping to avoid the introduction of vegetation that would now or in the future cast a shadow on existing solar collectors or photovoltaic cells or impair the function of a nearby building using passive solar heat collection.
- c. Protection of Existing Vegetation. Existing vegetation must be saved and integrated into landscape design wherever feasible, appropriate, or required by other regulations.
- d. Create Viable Growing Environment. The landscape design must address the needs of the plants to ensure their health, long-term viability, and protection.
- e. Species Diversity. The landscape plan must integrate a variety of plant species, heights, colors, and textures, as appropriate given the size of the landscape.
- f. Fire Resistance. Plant material installed in the fuel modification zone must be fire resistant.
- g. Use Native Plant Species. The Landscape Plan shall utilize native plant species that are found in the coastal sage scrub community surrounding the project site. Landscaping must utilize plants that are native to the Deer Creek watershed.

**Documentation:** The Permittee shall submit three sets of a draft landscape plan to the Planning Division for review and approval. A California registered landscape architect (or other qualified individual as approved by the Planning Director) shall prepare the landscape plan, demonstrating compliance with the requirements set forth in this condition (above), and the Ventura County Landscape Design Criteria. The landscape architect responsible for the work shall stamp the plan. After landscape installation, the Permittee shall submit to Planning Division staff a statement from the project landscape architect that the Permittee installed all landscaping as shown on the approved landscape plan. Prior to installation of the landscaping, the Permittee must obtain the Planning Director's approval of any changes to the landscape plans that affect the character or quantity of plant material or irrigation system design.

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

installation and maintenance activities shall occur according to the timing requirements set forth in the "Ventura County Landscape Design Criteria" (§ F).

**Monitoring and Reporting:** Landscaping approval/installation verification, monitoring activities, and enforcement activities shall occur according to the procedures set forth in the "Ventura County Landscape Design Criteria" (§§ F and G) and § 8183-5 of the *Ventura County Coastal Zoning Ordinance*. The Planning Division maintains the landscape plans and statement by the landscape architect in the Project file and has the authority to conduct site inspections to ensure that the Permittee installs and maintains the landscaping in accordance with the approved plan consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

19. Materials and Colors in the Santa Monica Mountains Overlay Zone

**Purpose:** In order to ensure that structures comply with the Public Resources Code §30240(b) and §30251 and blend in with the Project site's surroundings.

**Requirement:** The Permittee shall utilize materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) on exterior surfaces of all structures, including but not limited to walls, fences and gates.

**Documentation:** A copy of the approved plans denoting construction materials and colors.

**Timing:** Prior to issuance of the Zoning Clearance for construction, the Permittee shall submit the construction plans with colors and materials noted on all structures for review and approval by the Planning Division. Prior to occupancy, the Permittee shall paint the structure according to the approved plans.

**Monitoring and Reporting:** The Planning Division maintains the approved plans in the Project file. Prior to occupancy, the Planning Division has the authority to inspect the site to ensure that the exterior of the structures was treated as approved. The Permittee shall maintain these materials and colors throughout the life of the Project. The Planning Division has the authority to inspect the site to confirm on-going compliance with the approved plans consistent with the requirements of the §8183-5 of the *Ventura County Coastal Ordinance*.

20. Avoidance of Nesting Birds

**Purpose:** In order to prevent impacts to birds protected under the Migratory Bird Treaty Act, land clearing and construction activities shall be regulated.

**Requirement:** The Permittee shall conduct all demolition, tree removal/trimming, vegetation clearing, and grading activities (collectively, "land clearing activities"), and construction in such a way as to avoid nesting native birds. This can be accomplished by implementing one of the following options:

- a. Timing of land clearing or construction: Prohibit land clearing or construction activities during the breeding and nesting season (January 1 – September 1), in which case the following surveys are not required; or
- b. Surveys and avoidance of occupied nests: Conduct site-specific surveys prior to land clearing or construction activities during the breeding and nesting season (January 1 – September 1) and avoid occupied bird nests. A County-approved biologist shall conduct surveys to identify any occupied (active) bird nests in the area proposed for disturbance. Occupied nests shall be avoided until juvenile birds have vacated the nest.

The County-approved biologist shall conduct an initial breeding and nesting bird survey 30 days prior to the initiation of land clearing or construction activities. The County-approved biologist shall continue to survey the Project site on a weekly basis, with the last survey completed no more than 3 days prior to the initiation of land clearing activities. The nesting bird survey must cover the development footprint and 300 feet from the development footprint. If occupied (active) nests are found, land clearing activities within a setback area surrounding the nest shall be postponed or halted. Land clearing activities may commence in the setback area when the nest is vacated (juveniles have fledged) provided that there is no evidence of a second attempt at nesting, as determined by the County-approved biologist. Land clearing activities can also occur outside of the setback areas. Pursuant to the recommendations of the California Department of Fish and Wildlife, the required setback is 300 feet for most birds and 500 feet for raptors. This setback can be increased or decreased based on the recommendation of the County-approved biologist and approval from the Planning Division.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist documenting the results of the initial nesting bird survey and a plan for continued surveys and avoidance of nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract (financial information redacted) with a County-approved biologist responsible for the surveys, monitoring of any occupied nests discovered, and establishment of mandatory setback areas. The Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist following land clearing activities documenting actions taken to avoid nesting birds and results.

**Timing:** If land clearing or construction activities will occur between January 1 and September 1, the County-approved biologist shall conduct the nesting bird surveys 30 days prior to initiation of land clearing or construction activities, and weekly thereafter. The last survey for nesting birds shall be conducted no more than 3 days prior to initiation of land clearing or construction activities. The Permittee shall submit the Survey Report documenting the results of the first nesting bird survey and the signed contract to the

Planning Division prior to issuance of the Zoning Clearance for construction if the project sits idle due to the rainy season or other factors that postpone construction activities. The Permittee shall submit the Mitigation Monitoring Report within 14 days of completion of the land clearing or construction activities.

**Monitoring and Reporting:** The Planning Division reviews the Survey Report and signed contract for adequacy prior to issuance of the Zoning Clearance construction. The Planning Division maintains copies of the signed contract, Survey Report, and Mitigation Monitoring Report in the Project file.

21. Mitigation Measure BIO-1: Pre-Construction Surveys and Relocation of Special-Status Wildlife

**Purpose:** To avoid significant impacts to special-status wildlife that could occur during vegetation clearing and grading.

**Requirement:** Two weeks prior to the initiation of, and periodically throughout, ground disturbance activities, a County-approved qualified biologist shall conduct surveys for special-status wildlife, coastal whiptail (*Aspidoscelis tigris stejnegeri*) and the San Diego desert woodrat (*Neotoma lepida intermedia*), to ensure that these species are not harmed within fenced areas (temporary fencing as required by Mitigation Measure BIO-3). Individuals of these species that are found shall be relocated to suitable undisturbed habitat, outside of the areas directly and indirectly (e.g., noise) affected by ground disturbance activities. A County-approved biologist, with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit shall conduct surveys and relocation activities according to methods approved by the CDFW.

**Documentation:** The Permittee shall provide to the Planning Division a signed contract with a County-approved qualified biologist that ensures wildlife surveys, and relocation of wildlife will be conducted within 14 days prior to, and during, any ground disturbance activities. The Permittee shall submit a memorandum to the Planning Division within 14 days of the wildlife surveys, notifying the Planning Division of the results of the surveys and avoidance and relocation activities.

**Timing:** Prior to the issuance of a Zoning Clearance for construction, the Permittee shall provide the signed contract. Within 14 days of the wildlife surveys and relocation activities, the Permittee shall provide a memorandum reporting the results.

**Monitoring and Reporting:** The Permittee shall confirm with the Planning Division that a County-approved qualified biologist has been contracted to implement the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the signed contract and the survey reports in the Project file. The Planning Division has the authority to inspect the property during the development phase of the Project to ensure that the survey and wildlife relocation work is conducted

as required. If the Planning Division confirms that the required surveys are not conducted as agreed upon or the fencing is not maintained as required, enforcement actions may be enacted in accordance with §8183-5 of the *Ventura County Coastal Zoning Ordinance*.

22. Mitigation Measure BIO-2: Woodrat Nest Avoidance and Relocation

**Purpose:** In order to minimize impacts to woodrats, avoidance measures shall be implemented.

**Requirement:** Prior to vegetation clearing and grading activities (collectively, “land clearing activities”), a County-approved biologist, with a California Department of Fish and Wildlife (CDFW) Scientific Collecting Permit, shall survey suitable habitat for woodrats within areas that will be subject to land clearing activities, and within 50 feet of areas that will be subject to land clearing activities.

If the County-approved biologist does not find any nests, then no further action is required.

If the County-approved biologist finds active woodrat nests during the peak nesting season (February 1 through May 31), the Permittee shall implement a 50-foot radius buffer area around the nests in which land clearing activities will be postponed until the end of peak nesting season, in order to protect the nest. If the County-approved biologist finds active woodrat nests outside of the peak nesting season, a County-approved biological consultant shall relocate the nests according to the following instructions:

- a. Create new habitat on adjacent areas not impacted by the project by providing a vertical structure using local native material, such as tree and shrub trimmings, stacked horizontally in areas that are under shady canopies and upslope of seasonal drainages. Piling rocks removed from the construction area can also be used to help achieve a structure. If multiple nesting material structures are created, they should be a minimum of 25 feet apart. The County-approved biologist shall place the new nesting material under shady areas in order to increase the chance that woodrats will use the nests. These areas should be in locations that do not presently provide this habitat structure to create new nesting opportunity and to reduce potential competition with existing woodrats.
- b. After creating habitat outside of the construction footprint, the County-approved biologist shall begin vegetation clearance around the nest to reduce woodrat dispersal back into the project site.
- c. Nudge the nest with a front end loader type tractor to flush the woodrats from the nest. They will usually abandon the nest and run out into adjacent off site cover.
- d. Carefully and slowly pick up the nest material with a front end loader (to allow any additional woodrats to escape), while maintaining a safe distance from the nest to

reduce health hazards to the workers. (Dust masks should be used even when operating equipment.)

- e. Move the nest material to the creation area and place the nest material adjacent to the created nesting structure.

**Documentation:** The Permittee shall provide to the Planning Division a Survey Report from a County-approved biologist that provides the results of the woodrat survey and a plan for avoidance or relocation of the nests in accordance with the requirements set forth in this condition (above). Along with the Survey Report, the Permittee shall provide a copy of a signed contract with the County-approved biologist who will monitor avoidance and relocation efforts during land clearing activities. Following the completion of land clearing activities, the Permittee shall submit to the Planning Division a Mitigation Monitoring Report from a County-approved biologist that documents the actions the County-approved biologist implemented to avoid or relocate woodrat nests.

**Timing:** The County-approved biologist shall conduct the survey within 30 days prior to the initiation of land clearing activities. The Permittee shall submit the Survey Report and signed contract to the Planning Division, prior to issuance of a Zoning Clearance for construction of the project. The Mitigation Monitoring Report shall be submitted within 14 days of completion of the land clearing activities.

**Monitoring and Reporting:** The Planning Division reviews for adequacy, and maintains in the project file, the signed contract, Survey Report, and Mitigation Monitoring Report. If the Planning Division confirms that the required surveys and relocation measures were not implemented in compliance with the requirements of this condition, then enforcement actions may be enacted in accordance with §8183-5 of the *Ventura County Coastal Zoning Ordinance*.

23. Mitigation Measure BIO-3: Environmentally Sensitive Habitat Areas (ESHA) Construction Exclusion Fencing

**Purpose:** To reduce the potential indirect effects on adjacent habitat consistent with the Coastal Act and on locally important communities consistent with the Goal 1.5.1 Ventura County General Plan Goal Policies and Programs (updated 2019), ground disturbance and vegetation removal in ESHA outside of the construction is prohibited.

**Requirement:** The Permittee shall install temporary protective fencing along the edge of the development envelope (including the fuel modification zone). The fencing must consist of durable materials and shall be staked or driven into the ground such that it is not easily moved and will perform its function for the duration of construction activities.

**Documentation:** The Permittee shall illustrate the ESHA habitat, setback area from ESHA, and required fencing on all grading and site plans. The Permittee shall also provide

photo documentation of the fencing installed at the site prior to issuance of a Zoning Clearance for construction.

**Timing:** The Permittee shall submit the site plan and grading plans with the locations of the fencing to the Planning Division for review and approval prior to Zoning Clearance for construction of the project. The Permittee shall install the fencing prior to any vegetation removal, ground disturbance activities, or construction activities (whichever occurs first). The Permittee shall maintain the fencing in place until the Resource Management Agency, Building and Safety Division, issues the Certificate of Occupancy for the single-family dwelling.

**Monitoring and Reporting:** The Planning Division maintains the grading and site plan with the fencing illustrated provided by the Applicant in the project file. The Applicant shall demonstrate to the satisfaction of the Planning Division that the temporary fencing is installed prior to any vegetation removal, ground disturbance activities, or construction activities (whichever occurs first). The Planning Division has the authority to inspect the site to confirm that the fencing stays in place during the development phase of the project in accordance with the approved plans.

24. Mitigation Measure BIO-4: Invasive Species Seeding and Landscaping

**Purpose:** To ensure protection of adjacent ESHA, as required under the Local Coastal Program and the Coastal Act, from the introduction of invasive species.

**Requirements:** Invasive plant species shall not be included in any erosion control seed mixes and landscaping plans associated with the Project. The California Invasive Plant Inventory Database contains a list of non-natives, invasive plants (California Invasive Plant Council [Updated 2017] or its successor).

**Documentation:** The Permittee shall submit the erosion control seed mix and a final landscape plan, for review and approval by the Planning Division. The Permittee shall provide photographs demonstrating that the Permittee installed all landscaping and irrigation in accordance with the approved plans.

**Monitoring and Reporting:** The Permittee shall provide photos of the landscaping to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee installed landscaping and irrigation according to the approved plans. The Planning Division maintains copies of the approved plans and photographs in the Project file. The Planning Division, Public Works Agency Grading Inspectors, and Building and Safety, have the authority to conduct site inspections to ensure compliance with this condition consistent with the requirements of §8183-5 of the *Ventura County Coastal Zoning Ordinance*.

25. Mitigation Measures BIO-5 Compensatory Mitigation for Loss of ESHA

**Purpose:** Provide compensatory mitigation for the loss of ESHA that was caused by previous clearing and will be caused by the proposed development.

**Requirement:** The Permittee shall restore, enhance, establish and permanently preserve ESHA at a 2:1 mitigation-to-impact ratio offsite in the Santa Monica Mountains. One of these options, or a combination of these options, as described below, must be used to provide 4.64 acres of compensatory mitigation to offset 2.32 acres of ESHA that was degraded/cleared without a permit or carried out prior to January 1, 1977, the effective date of the Coastal Act, and not in conformity with all applicable local laws in effect at the time, and is being removed for development purposes.

Option 1: Offsite Habitat Mitigation Plan (HMP)

The Permittee shall coordinate with a public agency or land conservation organization to prepare, fund and implement an HMP that must include restoring the plant communities referenced in the Initial Study Biological Assessment (ISBA) (Werner Biological Consulting, August 17, 2018) at an offsite location in the Santa Monica Mountains within Ventura County. Offsite areas that qualify for restoration are restricted to areas where ESHA was previously degraded/cleared, or historically present but destroyed by natural disaster, and has not recovered within the past 15 years.

In addition to funding the restoration requirements for the HMP, the Permittee shall also provide the public agency or land conservation organization an amount that is reasonably anticipated to cover the annual costs associated with the management, maintenance, monitoring, reporting, and other activities identified in the HMP for a minimum of seven years.

Option 2: Offsite Conservation Land

The Permittee shall provide for the permanent protection of currently unprotected ESHA in the Santa Monica Mountains by acquiring and/or conveying land (either in fee title or in the form of a conservation easement) containing the unprotected habitats to a public agency or conservation organization approved by the County, or by funding the acquisition and management of such land by a public agency or conservation organization approved by the County. Such land to be protected is hereinafter referred to as "Conservation Land." The selected Conservation Land must be an undeveloped, legal lot, and have equivalent or greater overall habitat value than the ESHA that was degraded/cleared or that is being removed for approved development purposes. The area selected as the Conservation Land shall be reviewed by the Planning Division and the party responsible for the long-term stewardship of the Conservation Land, for adequacy. If the selected Conservation Land has less than equivalent habitat value

than the ESHA that is being mitigated, the Permittee must also provide funding for the enhancement and restoration of the Conservation Land.

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

Options 1: Offsite HMP

The Permittee shall submit to the Planning Division an HMP that must include restoring the plant communities referenced in the Initial Study Biological Assessment (ISBA) (Werner Biological Consulting, August 17, 2018) on the restoration site. The HMP shall include, but not be limited to, the following information:

- Identification of a specific off-site location for restoration, as applicable.
- Ecological characterization of the baseline of the area to be restored in terms of suitability for restoring ESHA, including a legal description and graphic depiction (sketch map), showing the area and the distribution of existing vegetation types and sensitive species, if any are present in the area.
- Description of the goals and objectives of the restoration, including, as appropriate, topography, hydrology, vegetation types, sensitive species, and wildlife usage.
- Identification of specific methods for restoration (e.g., transplanting, seeding, drill seeding).
- Performance standards for success, and the qualitative and quantitative methods for measuring success.
- Recommendations and requirements for additional restoration and enhancement activities (adaptive management actions) in order for the project to meet the criteria and performance standards.
- Sufficient technical detail on the restoration design such that techniques for site preparation, weed removal, transplanting, and planting locations and times are included.
- The identity and qualifications of the proposed public agency or land conservation organization responsible for protection, and long-term stewardship of the area(s) to be restored;
- Identification of the party(s) responsible for installing restoration components, maintaining the restoration areas, including maintenance of fences as needed, and steps to be taken to prevent degradation and encroachment of non-native plants in this area.
- A report with photographs of the restoration area and a description of the restoration work to demonstrate to the Planning Division that implementation of the Restoration Plan has commenced.

The HMP shall provide for monitoring to be conducted for seven years or until the performance criteria are met, whichever occurs sooner. The success criteria are as follows:

- The mitigation site(s) shall attain a native percent cover that reflects that of a high quality reference site, and the plant communities referenced in the Initial Study Biological Assessment (ISBA) (Werner Biological Consulting, August 17, 2018), as proposed by a qualified biologist and approved by the Planning Director in the HMP;
- Nonnative species shall comprise less than five percent cover and zero percent cover of species listed as “High” on the California Invasive Plant Council’s Invasive Plant Inventory Database [Updated 2017] (or its successor); and
- The native plantings shall survive at least two years without irrigation.

The Permittee shall submit to the Planning Division for review and approval, the HMP, prepared by a County-approved qualified biologist, that satisfies the applicable requirements of this condition. The Permittee shall provide annual reports prepared by a County-approved qualified biologist on the progress of the restoration area for 7 years (or more, if the success criteria have not been met by Year 7).

In addition, for off-site restoration, the Permittee, in coordination with the proposed public agency or land conservation organization, shall provide estimated costs to implement the HMP to the Planning Division for review and approval. The estimated costs shall include those for materials and labor to conduct the restoration, and for maintaining the restoration area and submitting annual monitoring reports for seven years.

Option 2: Offsite Preservation

The Permittee 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.
- The identity and qualifications of the proposed public agency 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 legal instrument that will be utilized to permanently protect the Conservation Land in its natural state.

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.

#### Permanent Protection of ESHA

All off-site ESHA restored (Option No. 1) or preserved as Conservation Land (Option 2) shall be permanently protected through a County-approved conservation easement, deed restriction or other recorded legal instrument that permanently protects the ESHA in its natural state.

The aforementioned deed restriction, conservation easement and/or equivalent legal instrument permanently protecting the off-site land (collectively, "Conservation Instrument"), as applicable, shall each:

- a. Include a copy of this condition of approval, a site-specific ESHA map, and legal description and map(s) of the areas that are subject to the Conservation Instrument ("Protected Areas");
- b. Include provisions for the long-term preservation and maintenance of the Protected Areas by describing what maintenance activities are allowed, and by stating that the following are prohibited in the Protected Areas:
  - (1) removal, mining, excavation, or disturbance of the soil or surface rocks or decaying material such as fallen trees;
  - (2) dumping, filling, storing, disposal, burying, or stockpiling of any natural or manmade materials;
  - (3) erection of buildings or structures of any kind, including, but not limited to, fencing, corrals, advertising signs, antennas, and light poles;
  - (4) placement of pavements, concrete, asphalt and similar impervious materials, laying of decomposed granite for pathways, or setting of stones, paving bricks, or timbers;

- (5) operation of dune buggies, motorcycles, all-terrain vehicles, bicycles, mowers, tractors, or any other types of motorized or non-motorized vehicles or equipment;
  - (6) removal or alteration of native trees or plants, through such activities as irrigating, mowing, draining, plowing, tilling or disking, except as necessary for controlled burns or fuel reduction as regulated by the Ventura County Fire Protection District, or for removal of non-native species and native habitat restoration or maintenance under the direction of a qualified biologist;
  - (7) application of insecticides or herbicides, poisons, or fertilizers;
  - (8) grazing or keeping of cattle, sheep, horses or other livestock, or pet animals;
  - (9) agricultural activity of any kind including the harvesting of native materials for commercial purposes;
  - (10) planting, introduction, or dispersal of non-native plant or animal species;
  - (11) hunting or trapping, except live trapping for purposes of scientific study or removal of non-native species;
  - (12) manipulating, impounding or altering any natural watercourse, body of water or water circulation and activities or uses detrimental to water quality, including but not limited to degradation or pollution of any surface or sub-surface waters;
  - (13) artificial lighting that illuminates or is directed towards ESHA; and
  - (14) other activities that damage the existing flora, fauna or hydrologic conditions;
- c. Be recorded with the Office of County Recorder, with a copy of the recorded document provided to the Planning Division.

**Timing:** The Permittee shall submit an HMP (Options 1) or Conservation Plan (Option 2) along with the proposed Conservation Instrument(s) prepared in accordance with the applicable above-stated requirements, to the Planning Director for review and approval prior to the issuance of a Zoning Clearance for construction of the project. Depending on the option(s) selected, the following additional timing requirements shall apply:

Options 1: Off-Site Enhancement, Adaptive Restoration, and Preservation

Prior to issuance of a Zoning Clearance for construction of the project, the Permittee shall submit to the Planning Division (1) the final HMP, (2) verification that all financial obligations to implement the HMP have been received by a public agency or land conservation organization, (3) a copy of the final recorded Conservation Instrument, and (4) annual reports by December 31st of each year during the monitoring period.

#### Option 2: Offsite Preservation

Prior to issuance of a Zoning Clearance for construction of the project, the Permittee shall submit to the Planning Division (1) the final Conservation Plan, (2) verification that all financial obligations to establish the Conservation Land have been received by a conservation organization, and (3) a copy of the final recorded Conservation Instrument.

**Monitoring and Reporting:** The Planning Division maintains a copy of this mitigation measure/condition of approval, HMP, Conservation Plan, and recorded Conservation Instrument(s) in the Project file. The Planning Division shall have the authority to inspect the portions of the properties subject to the HMP/Conservation Plan and Conservation Instruments to ensure that they are being utilized and maintained as required. For the life of the project, the Planning Division may enforce all provisions of this mitigation measure/condition of approval, including but not limited to those stated in the HMP/Conservation Plan and Conservation Instrument(s), pursuant to §8183-5 of the *Ventura County Coastal Zoning Ordinance*.

#### 26. Mitigation Measures BIO-6: Fuel Modification Plan

**Purpose:** To mitigate potentially significant impacts to ESHA from fuel modification activities.

**Requirement:** The Permittee shall use a County-approved qualified biologist or licensed landscape architect to prepare a Fuel Modification Plan for County Planning review and approval that minimizes impacts to ESHA and meets the Ventura County Fire Protection District's requirements to modify fuels surrounding structures. The Fuel Modification Plan shall specify the methods of modifying vegetation surrounding structures that will avoid impacts to ESHA (e.g., use of hand tools to prune vegetation, thinning shrubs rather than clear-cutting, avoiding rare plants, avoiding nesting birds).

**Documentation:** A Fuel Modification Plan prepared by a County-approved qualified biologist or licensed landscape architect.

**Timing:** The Permittee shall submit a Fuel Modification Plan prior to issuance of a Zoning Clearance for construction.

**Monitoring and Reporting:** The Permittee shall submit the Fuel Modification Plan to Planning Division and the Ventura County Fire Protection District for review and approval

to assure compliance with the requirements of this condition prior to issuance of a Zoning Clearance for construction. The Planning Division maintains copies of the Fuel Modification Plan provided by the Permittee in the Project file.

27. Paleontological Resources Discovered During Grading

**Purpose:** In order to mitigate potential impacts to paleontological resources that may be encountered during ground disturbance or construction activities.

**Requirement:** If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee 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 a report that assesses the resources and sets forth recommendations on the proper disposition of the site;
- d. Obtain the Planning Director's written concurrence with the recommended disposition of the site before resuming development; and
- e. Implement the agreed upon recommendations.

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

**Timing:** If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the paleontological report to the Planning Division immediately upon completion of the report.

**Monitoring and Reporting:** The Permittee shall provide the paleontological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the paleontological report to the satisfaction of the Planning Director. The paleontologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the paleontological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the paleontological report, consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

28. Archeological Resources Discovered During Grading

**Purpose:** In order to mitigate potential impacts to archaeological resources discovered during ground disturbance.

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

- a. If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
  - (1) Cease operations and assure the preservation of the area in which the discovery was made;
  - (2) Notify the Planning Director in writing, within three days of the discovery;
  - (3) 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;
  - (4) Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development; and
  - (5) Implement the agreed upon recommendations.
- b. If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
  - (1) Cease operations and assure the preservation of the area in which the discovery was made;
  - (2) Immediately notify the County Coroner and the Planning Director;
  - (3) 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;
  - (4) Obtain the Planning Director's written concurrence of the recommended disposition of the site before resuming development on-site; and
  - (5) Implement the agreed upon recommendations.

**Documentation:** If archaeological remains are encountered, the Permittee 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 Permittee has implemented any recommendations made by the archaeologist's report.

**Timing:** If any archaeological remains are uncovered during ground disturbance or construction activities, the Permittee shall provide the written notification to the Planning Director within three days of the discovery. The Permittee shall submit the archaeological report to the Planning Division immediately upon completion of the report.

**Monitoring and Reporting:** The Permittee shall provide the archaeological report to the Planning Division to be made part of the Project file. The Permittee shall implement any recommendations made in the archaeological report to the satisfaction of the Planning Director. The archaeologist shall monitor all ground disturbance activities within the area in which the discovery was made, in order to ensure the successful implementation of the recommendations made in the archaeological report. The Planning Division has the authority to conduct site inspections to ensure that the Permittee implements the recommendations set forth in the archaeological report, consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

29. Construction Noise

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

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

**Documentation:** The Permittee shall post a sign stating these restrictions in a conspicuous location on the Project site, in order so that the sign is visible to the general public. The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division, prior to the commencement of grading and construction activities. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the public. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, complaint, and any corrective action taken, in the event that the Permittee receives noise complaints. The Permittee must submit the "Complaint Log" to the Planning Division upon the Planning Director's request.

**Timing:** The Permittee shall install the sign prior to the issuance of Zoning Clearance No. 1 and throughout all grading and construction activities. The Permittee shall maintain the signage on-site until all grading and construction activities are complete. If the Planning Director requests the Permittee to submit the "Complaint Log" to the Planning Division,

the Permittee shall submit the "Complaint Log" within one day of receiving the Planning Director's request.

**Monitoring and Reporting:** The Planning Division reviews, and maintains in the Project file, the photo documentation of the sign and the "Complaint Log." The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure that the Permittee conducts grading and construction activities in compliance with this condition, consistent with the requirements of § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

30. Coastal Grading and Brush Removal

**Purpose:** To ensure compliance with Ventura County Coastal Zoning Ordinance Grading and Brush Removal Standards of § 8175-5.17 et seq. of the *Ventura County Coastal Zoning Ordinance*.

**Requirement:** In addition to complying with the requirements for a Landscape Plan (Condition No. 18), a Grading Plan (Condition No. 31), a Drainage Plan (Condition No. 32), and the Los Angeles Regional Water Quality Control Board National Pollution Discharge Elimination System (NPDES) (Condition Nos. 34 and 35), the Permittee shall comply with the following requirements:

- a. Minimize cut and fill operations;
- b. Design all development to minimize impacts and alterations of physical features and processes of the site (i.e., geological, soils, hydrological, water percolation and runoff);
- c. Clearing of land (grading and brush removal) during the winter rainy season (November 15 – April 15) is prohibited. Construction activities (excluding ground disturbance, grading, and brush removal) may continue into the rainy season provided that temporary vegetation seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion. A licensed landscape architect shall set forth the methods of erosion control as part of the required Landscape Plan for the Project (Condition No. 18);
- d. The smallest practical area of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. All measures for removing sediments and stabilizing slopes shall be in place prior to or concurrent with any on-site grading activities;
- e. Sediments basins (e.g., debris basins, desilting basins, or silt traps) shall be installed on the project site prior to or concurrent with the initial grading and maintained by the Permittee through the development process to remove sediment from runoff water as required by the Drainage Plan (Condition No. 31) and in

compliance with NPDES requirements (Condition Nos 34 and 35). All sediment shall be retained on-site unless removed to an appropriate approved dumping location;

- f. Cut and fill slopes shall be stabilized at the completion of final grading. Planting shall comply with the planting requirements set forth in Condition No. 18 of this Coastal PD Permit (above). Such planting shall be adequate to provide 90 percent coverage within 90 days, and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils and detailed in the required Landscape Plan (Condition No. 18);
- g. Provisions shall be made to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soils and surface conditions as a result of development. Where feasible and appropriate, water runoff shall be retained on-site to facilitate groundwater recharge, unless to do so would require significant grading or brush removal not otherwise necessary, and the cumulative impact of such on-site retention would be greater than the cumulative impacts of such on-site retention would be greater than the cumulative impacts of not facilitating recharge, within the same drainage area. The Permittee shall demonstrate compliance with this requirement in the Drainage Plan (Condition No. 32) and NPDES documentation requirements (Condition Nos. 34 and 35) for the Project;
- h. Hillside (defined as land with slopes over 20 percent) grading and brush clearance shall be regulated to maintain biological productivity of coastal waters, protect environmentally sensitive areas, and minimize the alteration of natural landforms;
- i. The Permittee shall have an erosion control plan prepared and submit the erosion control plan to the Public Works Agency, Engineering Services Department, Development and Inspection Services Division, for review and approval. Such plan shall be prepared by a licensed engineer qualified in soil mechanics and hydrology; and,
- j. Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants such as chemicals, fuels, lubricants, raw sewage, and other harmful waste shall not be discharged into or alongside coastal streams or wetlands either during or after construction as required by the Drainage Plan (Condition No. 32), and NPDES (Condition Nos. 34 and 35).

**Documentation:** The Permittee shall provide all of the required documentation set forth in the "Requirement" section of this condition (above) (e.g., grading plan, drainage plan,

erosion control plan, spill response plan, landscape plan, and NPDES documentation) to the applicable County agencies for review and approval.

**Timing:** The Permittee shall submit all of the required plans and documents for review and approval to the Planning Division and Public Works Agency, prior to issuance of Zoning Clearance for construction.

**Monitoring and Reporting:** The Planning Division, Public Works Agency, and Watershed Protection District review and maintain the project plans. The Planning Division and Public Works Agency have the authority to conduct site inspections and take enforcement actions to ensure the Permittee conducts ground disturbance, grading, and construction activities in compliance with this condition, pursuant to § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

### 31. Utilities

**Purpose:** To ensure compliance with Ventura County General Plan Public Utilities Policy PFS-7.4.

**Requirement:** New utility service lines shall be placed underground unless a written determination of infeasibility is obtained from the Planning Director.

**Documentation:** The Permittee shall indicate on the grading and construction plans the location of utilities and point of connection(s), and a note stating the utilities will be undergrounded.

**Timing:** Prior to issuance of Zoning Clearance for construction of the project, the Permittee shall submit grading and construction plans for review and approval to the Planning Division.

**Monitoring and Reporting:** The Planning Division reviews and maintains the project plans. The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure the Permittee conducts ground disturbance, grading, and construction activities in compliance with this condition, pursuant to § 8183-5 of the *Ventura County Coastal Zoning Ordinance*.

## **PUBLIC WORKS AGENCY (PWA)**

### **Development and Inspection Services Conditions**

### 32. Grading Permit

**Purpose:** In order to ensure the Permittee performs all grading in compliance with Appendix J of the Ventura County Building Code.

**Requirement:** The Permittee shall submit a grading plan showing existing and proposed roadway elevations to the Public Works Agency's Development and Inspection Services Division for review and approval. If a grading permit is required, a State licensed civil engineer must prepare and submit the grading plans, geotechnical and hydrology reports as necessary, to Development and Inspection Services Division for review and approval. The Permittee must post sufficient surety in order to ensure proper completion of the proposed grading.

**Documentation:** If a grading permit is required, all materials detailed on Public Works Agency Grading Permit Submittal Checklist, must be submitted to Development and Inspection Services Division for review and approval.

**Timing:** All applicable documentation, as specified above, must be submitted for review prior to issuance of a zoning clearance for development.

**Monitoring and Reporting:** Public Works Agency engineers will review grading plans and reports for compliance with Ventura County codes, ordinances and standards, as well as state and federal laws. Public Works Agency inspectors will monitor the proposed grading to verify that the work is done in compliance with the approved plans and reports. (ESD 1)

### 33. Drainage Plan

**Purpose:** To ensure runoff is discharged in accordance with Ventura County Building Code, Ventura County Public Works Agency, Watershed Protection District, national and State standards.

**Requirement:** The Permittee shall submit drainage plans and hydrologic and hydraulic calculations, which are prepared by a registered civil engineer, to the Public Works Agency's Development and Inspection Services Division for review and approval. The Permittee shall post sufficient surety in order to ensure proper completion of the drainage plan.

**Documentation:** Drainage plans and hydrologic and hydraulic calculations shall address the following: quantities of water, water flow rates, major water courses, drainage areas and patterns, diversions, collection systems, flood hazard areas, sumps, debris basins, detention facilities, and drainage courses and mitigation measures devised to manage the drainage. The hydrologic and hydraulic calculations shall be in compliance with the Ventura County Watershed Protection District's hydrology and design manuals. The hydrologic and hydraulic calculations shall include evidence that all the buildable sites in the proposed project will be protected from flooding based on a 1% annual chance storm.

**Timing:** All documentation, as specified above, must be approved by Public Works Agency prior to (recordation of the subdivision, issuance of a zoning clearance, or issuance of a Building Permit) [fill in as appropriate].

**Monitoring and Reporting:** Public Works Agency engineers will review drainage plans and hydrologic and hydraulic calculations for compliance with state and federal laws, as well as Ventura County codes, ordinances and standards. Public Works Agency inspectors will monitor the construction to verify that the work is done in compliance with the approved plans and reports.(ESD 2)

### **Transportation Department Conditions**

#### 34. Notice of Substandard Access Roads:

**Intent:** The County requires the applicant/permittee or property owner/subdivider to record a Notice of Substandard Access Roads (NSSAR) when the project/development is near a substandard road, which may not be improved to the current County Road Standard in the future.

**Description of Requirement:** The applicant/permittee or the property owner/subdivider shall provide record notice to successors in interest of the property that the existing road systems in the area are not considered standard; that, although such roads do not create an unreasonable risk of harm when used with due care, in a manner in which it is reasonably foreseeable that they will be used, these roads are of a rural nature with widths, grades, and other road features that would be considered substandard if such roads were being designed or built today, and that the County does not currently and also may not in the future have funds available to improve these roads.

The **Notice of Substandard Access Road** condition shall include the following:

- a. The property is served by existing public roads and/or private roads in the Yerba Buena Area that do not meet current County road standards.
- b. The applicant/permittee/owner/subdivider shall acknowledge that Yerba Buena Road, Cotharin Road, Deer Creek Road, and Pacific View Road in the Yerba Buena Area and access roads connected to these roads do not meet current County Road Standards.
- c. The private portions of these public roads and the private roads are neither County maintained nor currently eligible for any improvements at County expense.
- d. These roads are of rural nature with widths, grades, and other road features that would be considered substandard if such roads were being designed or built to current standards.

- e. These roads are to be used with due care in a manner in which it is reasonably foreseeable that they will be used.
- f. There are no current funding sources available to construct the improvements on the existing public roads in this area.

**Documentation:** The PWA Transportation Department will provide a draft Notice of Substandard Access Roads to the applicant/permittee. The applicant/permittee shall bring the draft Notice of Substandard Access Roads to the PWA Transportation Department for review prior to recordation. The applicant/permittee shall record the Notice of Substandard Access Roads with the County Recorder. The applicant/permittee shall provide the PWA Transportation Department with a copy of the recorded Notice of Substandard Access Roads.

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

**Monitoring:** The PWA Transportation Department will accept the recorded Notice of Substandard Access Roads from the applicant/permittee in conformance with the project conditions. (TD – 18, RMA – 152)

### **Watershed Protection District (WPD) Conditions**

#### **35. Compliance with Storm Water Construction Program**

**Purpose:** To ensure compliance with the Los Angeles Regional Water Quality Control Board NPDES Municipal Stormwater Permit No.CAS004002 (Permit) the proposed project will be subject to the construction requirements for surface water quality and storm water runoff in accordance with Part 4.F., “Development Construction Program” of the Permit.

**Requirement:** The construction of the proposed project shall meet requirements contained in Part 4.F. “Development Construction Program” of the Permit through the inclusion of effective implementation of the Construction BMPs during all ground disturbing activities. In addition, Part 4.F requires additional inspections to be conducted by the Qualified Stormwater Pollution Prevention Plan (SWPPP) Developer, Qualified SWPPP Practitioner, or Certified Professionals in Erosion and Sediment Control (CPESC).

**Documentation:** The Permittee shall submit to the Watershed Protection District – County Stormwater Program Section (CSP) for review and approval a completed and signed SW 2 form (Best Management Practices for Construction One Acre and Larger) as well as an SW HR form (Best Management Practices for Construction at High Risk Sites), which can be found at <http://onestop.vcpublicworks.org/stormwater> forms.

**Timing:** The above listed items shall be submitted to the CSP for review and approval prior to issuance of a Zoning Clearance for Construction.

**Monitoring and Reporting:** CSWP will review the submitted materials for consistency with the NPDES Municipal Stormwater Permit. Grading Permit Inspectors will conduct inspections during construction to ensure effective installation of the required BMPs and record keeping of conducting required inspections by the project proponents Qualified SWPPP Developer, Qualified SWPPP Practitioner, or CPESC. (CSP 1)

36. State General Construction Stormwater Permit No. CAS000002 Requirements

**Purpose:** To ensure compliance with all water quality provisions in NPDES State General Construction Stormwater Permit No. CAS000002, Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activities.

**Requirement:** Proper filing of all compliance documents required under the General Construction Permit No. CAS000002.

**Documentation:** The Permittee shall prepare and submit the following items to the Watershed Protection District – County Stormwater Program Section (CSP) for review:

- i. Current Notice of Intent (NOI) in accordance with the State Water Resources Control Board requirements under the General Construction Stormwater Permit (No. CAS000002);
- ii. Current Stormwater Pollution Prevention Plan (SWPPP) in accordance with the State Water Resources Control Board requirements under the General Construction Permit; and
- iii. If applicable, Change of Information (COI) form and a copy of modified SWPPP at any time a transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still on going.

**Timing:** The above listed items (i and ii) shall be submitted to the CSP staff for review prior to Zoning Clearance for Construction. In addition, if applicable, the COI form and a copy of modified SWPPP (item iii) shall be submitted anytime during project duration.

**Monitoring and Reporting:** CSP staff will review the submitted materials for consistency with the General Construction Permit. Up to date and site specific SWPPP shall be kept on site for periodic review by the Grading Permit inspectors. (CSP 2)

**OTHER VENTURA COUNTY AGENCIES**

### **Ventura County Air Pollution Control District (APCD) Conditions**

#### 37. APCD Rules and Regulation for Fugitive Dust

**Purpose:** To ensure that fugitive dust and particulate matter that may result from driveway construction are minimized.

**Requirement:** The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

**Documentation:** The Lead Agency shall ensure compliance with the following provisions:

- i. Pre grading/excavation activities shall include watering the area to be graded or excavated before commencement of grading or excavation operations. Application of water should penetrate sufficiently to minimize fugitive dust during grading activities;
- ii. All trucks shall cover their loads as required by California Vehicle Code §23114.
- iii. All clearing, grading, earth moving, or excavation activities shall cease during periods of high winds (i.e., wind speed sufficient to cause fugitive dust to be a nuisance or hazard to adjacent properties). During periods of high winds, all clearing, grading, earth moving, and excavation operations shall be curtailed to the degree necessary to prevent fugitive dust created by onsite activities and operations from being a nuisance or hazard, either offsite or onsite.

**Timing:** Throughout grading and construction.

**Reporting and Monitoring:** The Lead Agency shall monitor all dust control measures.

### **Ventura County Fire Protection District (VCFPD) Conditions**

#### 38. Access Road / Driveway Maintenance

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

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

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

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

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

39. Private Drive Widths, Single Family Dwellings (Up to Four Parcels)

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

**Requirement:** The Permittee shall design all private driveways in accordance with Ventura County Fire Protection District access standards. A minimum all weather access width of 15 feet shall be provided in Hazardous Fire Areas and Wildland Urban Interface Areas. Driveways serving three to four (3 4) R 3 structures on a shared access driveway shall be a minimum paved width of 20 feet. Private driveways and required fire access turnarounds serving 2 or more lots shall belocated in a common area lot or easement. The common area lot or easement shall be a minimum of 5 feet wider than the required driveway and turnaround area widths (2 1/2 feet each side). Signs prohibiting obstruction and parking along the shared driveway shall be posted at the discretion of the Fire Department. The Permittee shall install the required access improvements, or provisions to guarantee the installation, shall be completed prior to map recordation. If the improvements are bonded for, all improvements shall be installed prior to occupancy of any structure within the development. Note: Improvements only serving one (1) lot are required to be installed at time of development of that lot. No bond is required for improvement(s) serving only one (1) lot.] Parking is prohibited within the required width of access driveways and Fire Department turnarounds.

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

**Timing:** The access plan shall be approved prior to issuance of building permits. All required access shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development. (VCFPD 11)

40. Vertical Clearance

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

**Requirement:** The Permittee shall provide a minimum vertical clearance of 13 feet 6 inches (13' 6") along all access roads/driveways.

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

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

**Monitoring and Reporting:** A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the access is installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the access for the life of the development. (VCFPD 11.a)

#### 41. Turnarounds

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

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

- a. Does not exceed a 5% cross slope in any direction.
- b. Located within 150 feet of the end of the access road / driveway.
- c. Posted as fire lanes in accordance with Ventura County Fire Protection District Standards.
- d. Kept free of obstructions at all times.

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

**Timing:** The Permittee shall submit access plans to the Fire Prevention Bureau for approval before issuance of building permits. The plans shall indicate all access road/driveway locations and proposed turnaround location and design. All required turnarounds shall be installed before the start of combustible construction.

**Monitoring and Reporting:** A copy of the approved access plans shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection ensure that turnaround areas are installed according to the approved plans.

Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and their successors in interest, shall maintain the turnaround areas for the life of the development. (VCFPD 14)

42. Access Road Certification

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

**Requirement:** The Permittee shall have all access road(s)/driveway(s) certified by a registered Civil Engineer as having an all weather surface in conformance with Public Works and / or Fire District Standards.

**Documentation:** A copy of the approved road certification.

**Timing:** The Permittee shall submit the certification to the Fire Prevention Bureau for approval before final occupancy.

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

43. Access Covenant

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

**Requirement:** The Permittee shall record a covenant and deed restriction upon parcels [APN 700-0-030-115, 700-0-030-055 and 700-0-030-095]. This covenant shall require upon the sale of any of these parcels, a reciprocal access easement be recorded on all parcels who share the access road(s) / driveway(s). This easement shall allow for an access road(s) / driveway(s) that meet all Ventura County Fire Protection District Standards and shall be approved by the Ventura County Fire Protection District prior to recordation. A statement shall be included indicating that the access road covenant and deed restriction shall not be revised or eliminated without written approval of the Fire District.

**Documentation:** A recorded copy of the covenant and deed restriction.

**Timing:** The Permittee shall record the covenant and deed restriction concurrent with the map recordation. A copy of the recorded documents shall be submitted to the Fire Prevention Bureau within seven (7) days of recordation.

**Monitoring and Reporting:** A copy of the recordation shall be kept on file with the Fire Prevention Bureau. (VCFPD 25)

44. Access Road Gates

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

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

**Documentation:** A stamped copy of the approved gate plans.

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

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

45. Hazard Abatement

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

**Requirement:** The Permittee shall have all grass or brush adjacent to driveways/access roads cleared for a distance of 10 feet on either side.

**Documentation:** A signed copy of the Ventura County Fire Protection District's "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

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

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

DRAFT