



Planning Director Staff Report – Hearing on January 6, 2022

County of Ventura • Resource Management Agency • Planning Division

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

HARTLEY BOTANICA OUTDOOR EVENTS CONDITIONAL USE PERMIT (CUP) CASE NO. PL21-0060

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Conditional Use Permit (CUP) for a 10-year time extension and minor modification of an existing outdoor events venue known as Hartley Botanica (PL21-0060).
2. **Applicant:** Marquette Consulting, Inc., c/o Alan Nelsen, 9452 Telephone Road #258, Ventura, CA 93004.
3. **Property Owner:** George and Barbara Tash, 5777 Balcom Canyon Road, Somis, CA 93066.
3. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
4. **Project Site Size, Location, and Parcel Number:** The 28.31-acre project site is located at 4465 Balcom Canyon Road in the unincorporated area of Ventura County. The Tax Assessor parcel number for the parcel that constitutes the project site is 110-0-220-08.
5. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Agricultural
 - b. Zoning Designation: AE-40 ac. (Agricultural Exclusive, 40-acre minimum lot size)
6. **Adjacent Zoning and Land Uses/Development:**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac. (Agricultural Exclusive, 40-acre minimum lot size)	Single Family Residence and Agricultural Operations
East	AE-40 ac.	Agricultural Operations
South	AE-40 ac.	Highway 118
West	AE-40 ac.	Agricultural Operations

- 7. History:** The subject property is used for agricultural purposes including a wholesale nursery, greenhouses, and an accessory office building.

On April 3, 2006, the Planning Director approved CUP 5307 for temporary outdoor wedding events on Saturday and Sunday only for up to 60 events per calendar year. This CUP had an expiration date of March 30, 2012.

On February 25, 2013, the Planning Director approved CUP LU11-0069 for the continued operation and minor modification to the outdoor events venue. This CUP had an expiration date of March 30, 2022.

- 8. Project Description:** The request is for a Minor Modification (Case No. PL21-0060) to LU11-0069 in order to continue to allow “Festivals, Animal Shows and Similar Events, Temporary Outdoor,” specifically weddings, picnics, garden tours, and hosted lunches or other similar events at the subject property, for an additional 10-year time period. The proposed modifications to the existing entitlement include (Exhibit 5):

- An increase in the permitted number of events from 60 to 90 events per year.
- Replace the portable restrooms with a temporary restroom trailer
- Change the event days and hours of operation
- Adjust the number of “attendees” per event

The events will be located in approximately 2.5 acres in the southeast portion of the property, known as the “Botanical Gardens.” No new permanent structures (e.g., outdoor lighting and accessory structures) will be constructed for the events. The use of permanent buildings or structures will be limited to a Quonset hut as a wedding party gathering area. No other permanent buildings or structures will be used for wedding event activities (e.g., used as changing rooms, bathrooms, or food preparation areas. (See Exhibit 3 for the location of the structures and uses that will occur on the subject property.)

Parking: Access to parking areas is provided via a 20-foot wide and 480-foot long driveway into the nursery, with parking located in two designated areas within the CUP boundary. A total of 100 parking spaces will be provided, with 70 spaces provided in the main parking area and 30 parking spaces provided in the vendor/overflow parking area. The vendor/overflow area can accommodate up to 60 spaces total, is the additional parking is needed. Valet parking will be used for all events where the number of vehicles exceeds 70, and thus will require the use of the overflow parking area. All event parking (e.g., guest vehicles and

catering/delivery vehicles) will be parked within the designated parking areas shown on the site plan (Exhibit 4). Off-site parking (e.g., parking on roadways or lots that are not subject to the CUP) will be prohibited. No event parking will occur on Los Angeles Avenue (SR-118) or Balcom Canyon Road.

Security: Security will be provided at all events by the on-site manager and event coordinator.

Rehearsals: For wedding events, rehearsals will take place any day of the week, for no more than a two-hour period. No vendors (including, but not limited to, food, music, and temporary lighting) will conduct activities at, or facilitate, the rehearsals. Attendance at the rehearsal will be limited to the wedding party. The rehearsals will not be considered “events” that count toward the 90 (total) number of events per year.

Catering: All food and beverage service on site will be provided by self-sufficient, licensed catering services. Catered food will be prepared off site and transported to the event site for each event. Food service provided must have a permit to operate from the Ventura County Environmental Health Division.

Exterior Lighting: No permanent lighting will be installed for the temporary special events. Existing exterior lighting for landscaping purposes on the site exists within the proposed CUP boundary around walkways, the main driveway, the area designated for temporary restrooms, as well as in the designated valet parking pickup areas. These existing lights will be utilized for safety and security purposes. Temporary lighting brought in for an event will consist solely of string market lights and low-voltage pole lights that will be located in the reception area of the proposed CUP boundary. All temporary lighting will be removed from the site after an event has ended.

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. The proposed project includes the minor modification and continued use of

an existing outdoor events venue. The proposed project qualifies for Class 3 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

Therefore, this project is categorically exempt pursuant to Section 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.

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

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

- 1. LU-6.1 Agricultural Buffers:** *The County shall require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations.*

LU-8.2 Land Uses Appropriate for the Agricultural Land Use Designation: *The County shall ensure that land designated as Agricultural is uses for the production of food, fiber, and ornamentals; animal husbandry and care; uses accessory to agriculture; and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.*

The existing outdoor event venue is located within an existing botanical garden on the subject property. All existing agricultural uses onsite will not be disturbed and the temporary public use of the facility is consistent with agriculturally related uses. No conflict with the adjoining agricultural operations will occur with the continuation of the project. Thus, no buffers are warranted.

Based on the discussion above, the proposed project is consistent with General Plan Policy LU-6.1.

- 2. LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive*

character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.

The ongoing presence and use of the facility will not result in any new effect on public views from Balcom Canyon Road or Highway 118 (an eligible scenic highway). No new effect on community character will result from the project as no physical changes in the existing facilities are proposed.

Adequate public services (water, sewer, road access) will continue to be available to serve the subject facility.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.1.

- 3. AG-1.2 Agricultural Land Use Designation:** *The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

The existing outdoor event venue and minor modification does not require the removal of any agricultural land or operations. No Prime Farmland, Farmland of Statewide Importance on the State's Important Farmland Inventory, or topsoil will be affected from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy AG-1.2.

- 4. AG-2.1 Discretionary Development Adjacent to Agriculturally Designated Lands:** *The County shall ensure that discretionary development adjacent to agriculturally designated lands does not conflict with agricultural use of those lands.*

The existing outdoor event venue does not conflict with the adjacent agricultural designated lands or agricultural uses of those lands. No new development is proposed with this minor modification and permit time extension. No new conflicts will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy AG-2.1.

- 5. HAZ-1.1 Fire Prevention Design and Practices:** *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of*

fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.

HAZ-1.2 Defensible Space Clear Zones: *The County shall require adherence to defensible space standards, or vegetation “clear zones,” for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.*

The existing outdoor event venue meets all Ventura County Fire Protection District standards. The Fire Protection District has conditioned the project to comply with all requirements.

Based on the above discussion, the proposed project is consistent with General Plan Policy HAZ-1.1 and HAZ-1.2.

D. ZONING ORDINANCE COMPLIANCE

The The proposed project is subject to the requirements of the Ventura County NCZO.

Pursuant to the requirements of the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the AE-40 ac. zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project would comply with the requirements of the Ventura County NCZO.

The proposed continuance of temporary outdoor events is subject to the special use standards of the Ventura County NCZO (Section 8107-46). Table 1 lists the applicable special use standard and a description of whether the proposed project complies with the special use standards.

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Sec. 8107-46.2 – No Authorization for Installation of Permanent Structures, Equipment or Impervious Surfaces:</p> <p><i>The construction or installation of permanent structures, equipment or impervious surfaces shall not be authorized under this Sec. 8107-46 in conjunction with an outdoor event use.</i></p>	<p>Yes;</p> <p>No new structures would be proposed with this project</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Sec. 8107-46.4 – Conditionally Permitted Outdoor Events:</p> <p><i>A CUP is required to authorize an outdoor event that is not exempt from permitting pursuant to, or does not meet all requirements set forth in, Sec. 8107-46.1 [Purpose] or 8107-46.3 [Outdoor Events Exempt from Permitting]. A CUP may authorize up to 60 outdoor events per calendar year on a lot during an initial term. If the initial term is completed, a CUP may be renewed through a permit modification to allow up to 90 events per calendar year on the lot during each subsequent term. A CUP shall have a 5-year initial term, or such shorter term as requested by the applicant. If the initial term is completed, a CUP may be renewed through permit modifications with subsequent terms of 10 years each, or such shorter terms as requested by the applicant.</i></p>	<p>Yes;</p> <p>The initial term for temporary outdoor events was granted for a 5-year term (CUP 5307). Subsequently, a modification was granted, authorizing a 10-year extension to the initial CUP (LU11-0069). This project (PL21-0060) was accepted and deemed complete for processing prior to the expiration date of LU11-0069 and is requesting an additional 10-year term.</p>
<p>Sec. 8107-46.5 – Processing and Consideration of Conditionally Permitted Outdoor Event Permit Applications:</p> <p>a) <i>No application for a CUP pursuant to Sec. 8107-46.4 [Conditionally Permitted Outdoor Events] shall be accepted for processing if final violations (i.e., violations that were not timely appealed or were confirmed after timely appeal) have been issued for holding two or more outdoor events on the parcel within the previous 24 months without a CUP if required pursuant to Sec. 8107-46.4 [Conditionally Permitted Outdoor Events].</i></p> <p>b) <i>Applications for all CUP's under Sec. 8107-46.4 [Conditionally Permitted Outdoor Events], and applications for all discretionary modifications thereto, not involving legislative actions shall be processed in accordance with the time limits set forth in the Permit Streamlining Act (Gov. Code, § 65920 et seq.), regardless of whether or not the proposed outdoor event use constitutes “development” as defined by Government Code section 65927. Failure to comply with any time limit set forth in the Permit Streamlining Act shall not constitute a basis for the denial of any such permit application.</i></p> <p>c) <i>The permit approval standards set forth in Sec. 8111-1.2.1.1b [Permit Approval Standards for Outdoor Events and Assembly Uses] and, if applicable to the proposed project, additional standards set forth in Sec. 8111-1.2.1.2 [Additional Standards for AE Zone], Sec. 8111-1.2.1.3</i></p>	<p>Yes;</p> <p>a) No violations exist on the project site;</p> <p>b) This project is being processed in accordance with the Permit Streamlining Act; and,</p> <p>c) The project would be in compliance with all applicable permit approval standards of the Ventura County NCZO.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>[Compliance with Other Documents], Sec. 8111-1.2.1.4 [Additional Standards for Overlay Zones], and Sec. 8111-1.2.1.7 [Additional Standards for Cultural Heritage Sites] shall be applied to all applications seeking a CUP pursuant to Sec. 8107-46.4 [Conditionally Permitted Outdoor Events] and applications for all discretionary modifications thereto.</i></p>	

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

- 2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1.b].**

The existing temporary outdoor events venue that is the subject of this CUP application has been in operation since 2006. The continued use of this venue will not alter the appearance of the site or the character of the land uses in the area. No new impact on public views would result from the continued operation of the existing venue.

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

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

As discussed above, the proposed project involves the minor modification and continued use of a temporary outdoor events venue. No adverse effect on neighboring properties or ongoing uses has been identified that would result from

the proposed project. Implementation of the conditions of approval (Exhibit 3) would ensure the compatibility of the project with the ongoing uses in the vicinity.

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

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

No adverse effect of the proposed project on the environment or the use of adjacent properties has been identified. Similarly, no effect of the project has been identified that would be detrimental to the public interest, health, safety, or welfare.

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

5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].

The proposed temporary outdoor events venue is compatible with existing and potential land uses in the general area. The minor modification to the number of events and event hours will not have an adverse effect on any offsite properties. In addition, no new development is proposed on the subject site or on any of the surrounding parcels.

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

6. The proposed development is approved in accordance with the California Environmental Quality Act and all other applicable laws.

As discussed in Section B above, the proposed project involves the continued operation and minor modification of an existing outdoor events venue on the subject property. The proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

7. The proposed development will occur on a legal lot [Section 8111-1.2.1.f].

The subject property is a legal lot that gained its current configuration by the means of a Parcel Map Waiver/Lot Line Adjustment No. 1148, as recorded in the Ventura County Recorder's Office on August 1, 2002, Document No. DOC-2002-0182106-00.

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

F. PLANNING DIRECTOR HEARING NOTICE, PUBLIC COMMENTS, AND JURISDICTIONAL COMMENTS

On February 18, 2021, the project was presented to the Somis Municipal Advisory Committee. The Somis Municipal Advisory Committee voted 5-0 to approve the project as proposed.

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), NCZO (Section 8111-3.1). On December 22, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On December 27, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any comments from this noticing.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** CUP Case No. PL21-0060, subject to the conditions of approval (Exhibit 3).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

Prepared by:

Thomas Chaffee

Thomas Chaffee, Case Planner
Commercial and Industrial Permits Section
Ventura County Planning Division

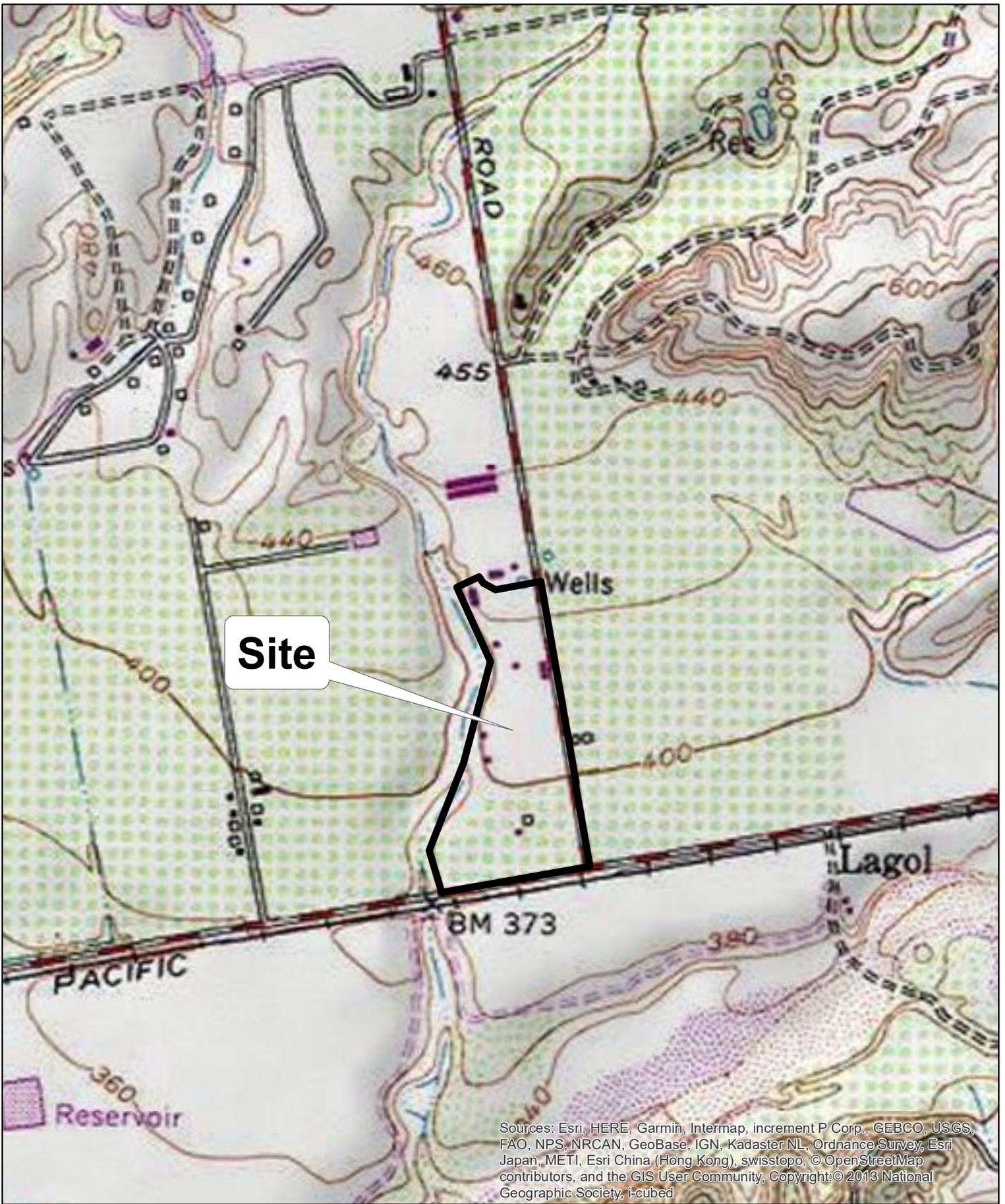
Reviewed by:

Mindy Fogg

Mindy Fogg, Manager
Commercial/Industrial Permits Section
Ventura County Planning Division

EXHIBITS:

- Exhibit 2 Maps
- Exhibit 3 Draft Conditions of Approval
- Exhibit 4 Site Plans
- Exhibit 5 Project Description



County of Ventura
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-02-2021
Source: Moorpark U.S.G.S.
7.5 Minutes Quadrangle
Contour Interval = 20 ft



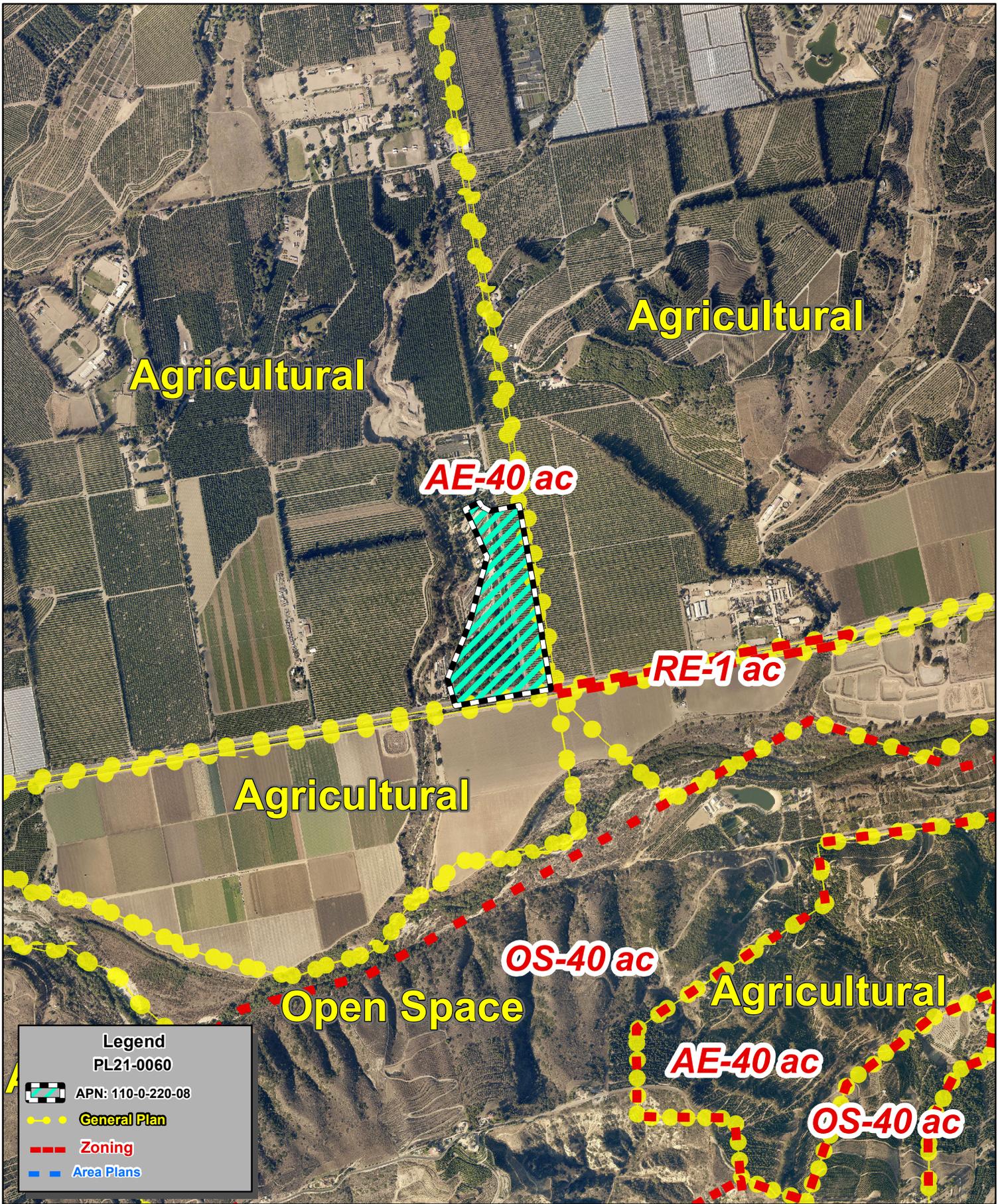
County of Ventura
Planning Director Hearing
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Exhibit 2 - Maps

0 250 500 Feet



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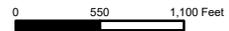
Legend
 PL21-0060
 APN: 110-0-220-08
 **General Plan**
 **Zoning**
 **Area Plans**



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 11-02-2021
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**County of Ventura
 Planning Director Hearing
 PL21-0060
 General Plan & Zoning Map**



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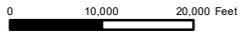
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Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 11-02-2021

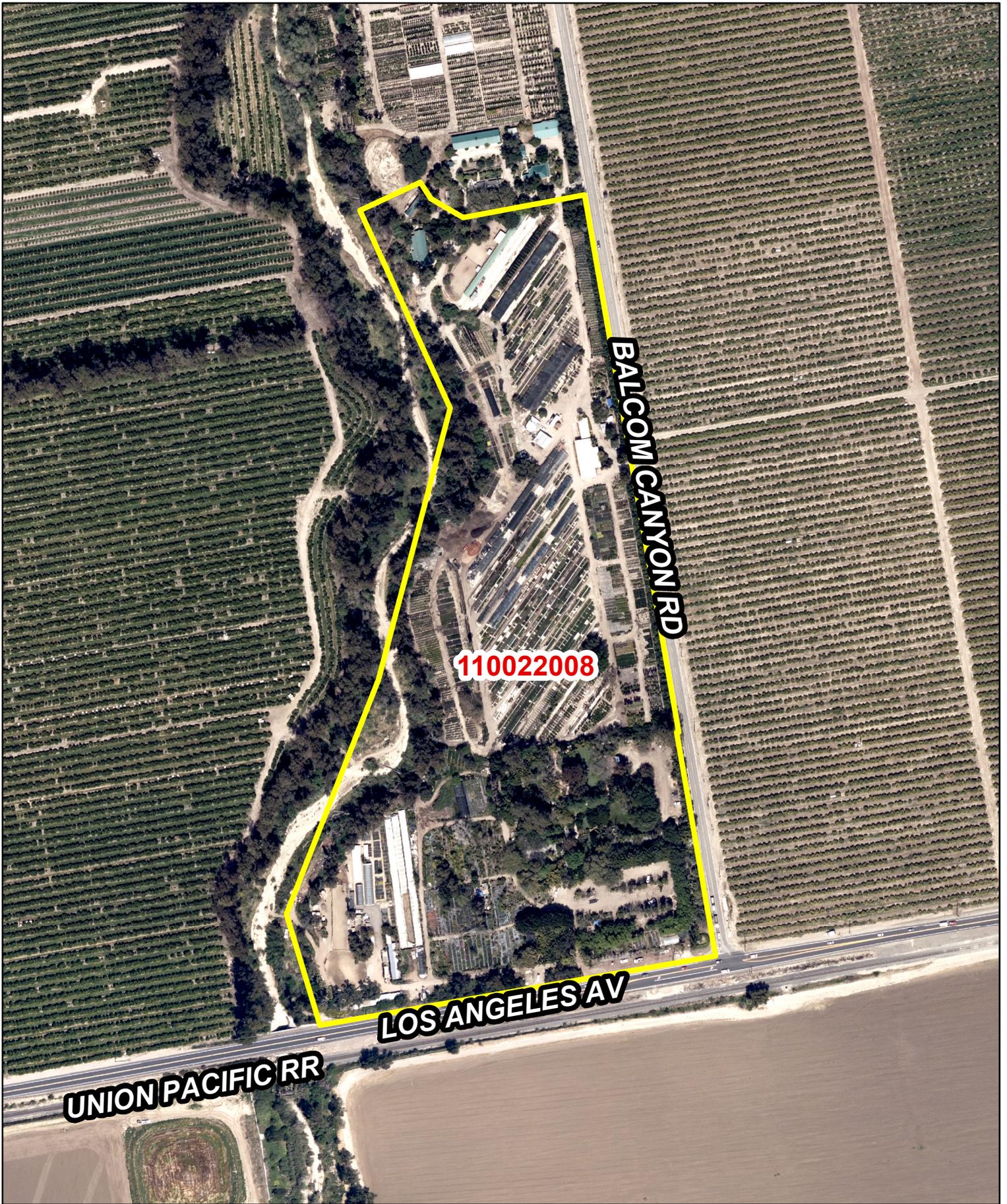


**County of Ventura
Planning Director Hearing
PL21-0060
Location Map**



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BALCOM CANYON RD

LOS ANGELES AV

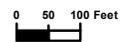
UNION PACIFIC RR



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County of Ventura
Planning Director Hearing
PL21-0060
Aerial Photography



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CONDITIONS OF APPROVAL FOR DISCRETIONARY ENTITLEMENT CASE NO. PL21-0060

RESOURCE MANAGEMENT AGENCY CONDITIONS

I. Planning Division (PL) Conditions

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description found in this condition below, all County land use hearing exhibits in support of the project and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the permit or further CEQA environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this permit.

The project description is as follows:

The Conditional Use Permit is granted to allow "Outdoor Events," specifically weddings, picnics, garden tours, and hosted lunches or other similar events at the subject property. The maximum number of attendees permitted at any event is 225. The maximum number of events per calendar year is 90, out of which a maximum of ten may be weekday events. The events are permitted in approximately 2.5 acres in the southeast portion of the property, known as the "Botanical Gardens." No new permanent structures (e.g., outdoor lighting and accessory structures) are permitted to be constructed for the events. The use of permanent buildings or structures shall be limited to a Quonset hut as a wedding party gathering area. No other permanent buildings or structures will be used for wedding event activities (e.g., used as changing rooms, bathrooms, or food preparation areas). Temporary buildings and structures will be limited to the placement of portable restrooms on-site for use during events. (See Planning Director Staff Report Exhibit 4 for the location of the structures and uses that will occur on the subject property.)

Parking: Access to parking areas shall be provided via a 20-foot wide and 480-foot long driveway into the nursery, with parking located in two designated areas within the CUP boundary. A total of 100 parking spaces must be provided, with 70 spaces provided in the main parking area and 30 parking spaces provided in the vendor/overflow parking area. Valet parking shall be used for all events where the number of vehicles exceeds 70, and thus will require the use of the overflow parking area. All event parking (e.g., guest vehicles and catering/delivery vehicles) must be parked within the designated

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Exhibit 3 - Draft Conditions of Approval

parking areas shown on the site plan. Off-site parking (e.g., parking on roadways or lots that are not subject to the CUP) is prohibited. No event parking is permitted on Los Angeles Avenue (SR-118) or Balcom Canyon Road.

Security: Security must be provided at all events by the on-site manager and event coordinator.

Restrooms: An adequate quantity of temporary toilets for the events shall be provided and maintained in compliance with the Resource Management Agency, Environmental Health Division regulations. The built-in bathrooms may be used by the nursery employees during the nursery operation and may only be used during wedding events by the Bridal Party. All other guests and vendors must use the temporary toilets.

Rehearsals: For wedding events, rehearsals are permitted to take place any day of the week, for no more than a two-hour period. No vendors (including, but not limited to, food, music, and temporary lighting) are permitted to conduct activities at, or facilitate, the rehearsals. Attendance at the rehearsal shall be limited to the wedding party. The rehearsals will not be considered “events” that count toward the 90 (total) number of events per year.

Catering: All food and beverage service on site must be provided by self-sufficient, licensed catering services. Catered food must be prepared off site and transported to the event site for each event. Food service provided must have a permit to operate from the Ventura County Environmental Health Division.

Exterior Lighting: All lighting for the events shall be in accordance with the lighting plan. No permanent lighting may be installed for the temporary special events. Existing exterior lighting for landscaping purposes on the site exists within the proposed CUP boundary around walkways, the main driveway, the area designated for temporary restrooms, as well as in the designated valet parking pickup areas. These existing lights may be utilized for safety and security purposes. Temporary lighting brought in for an event shall consist solely of string market lights and low-voltage pole lights, located in the reception area of the proposed CUP boundary. All temporary lighting must be removed from the site after an event has ended.

The project shall be in substantial conformance with Planning Director Staff Report Exhibit 4 (Site Plan) or as described herein in these conditions of approval. 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. Days and Hours of Operation

Purpose: In order to ensure that the use is compatible with surrounding land uses and the project complies with the *Ventura County Non-Coastal Zoning Ordinance* (§ 8107-

46, definition of “Outdoor Events”), it is necessary to limit the days and hours of operation of the approved use.

Requirement: The events permitted by this CUP shall be limited to 90 days per calendar year. A maximum of ten events per calendar year may be held during weekdays. Any weekday events shall be deducted from the total permitted 90 events per calendar year. The days and hours of operation shall apply to all aspects of the events, including, but not limited to, event preparation (e.g., catering and supply deliveries and set-up), ceremonies, receptions, and post event activities (e.g., clean-up and dismantling of equipment). If event preparation or post-event activities require more than four hours to complete, these days shall apply towards the maximum 90 days allowed per calendar year.

Furthermore, the hours of operation of the approved use shall be limited to:

Weekday Event (maximum of 10 per year)	Hours of Operation (including all set-up and clean-up activities)		Clean-up Must be Completed No Later Than:
Monday through Thursday	9:00 AM – 4:00 PM	6:00 PM-10:00 PM	10:00 PM
Friday	9:00 AM – 4:00 PM	6:00 PM-12:00 AM	12:30 AM

Weekend Event	Set-up Time Cannot Begin Before:	Event Must End By:	Clean-up Must be Completed No Later Than:
Saturday and Sunday	7:00 AM	12:00 AM	12:30 AM

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

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

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

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

3. Site Maintenance

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

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

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

Timing: Prior to use inauguration and for the life of the permit.

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

4. CUP Modification

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

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

5. Construction Activities

No construction is authorized by this CUP. Prior to any construction, the Permittee shall: file a written and/or mapped description of the proposed construction activity, in order to determine if a CUP modification is required pursuant to the requirements of Condition No. 4, above; obtain a Zoning Clearance for construction from the Planning Division; and, obtain a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall: file a written and/or mapped description of the proposed grading activity, in order to determine if a CUP modification is required pursuant to the

requirements of Condition No. 4, above; and, obtain a Grading Permit from the Public Works Agency.

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which shall include, but is not limited to, the following:

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

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

7. Time Limits

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

- b. Permit Life or Operations Period:

This CUP will expire on **December 9, 2031**. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

1. The Permittee has filed a permit modification application pursuant to Section 8111-6 of the *Ventura County Non-Coastal Zoning Ordinance* prior to December 9, 2041; and
2. The County decision-maker grants the requested modification.

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

8. Consolidation of All Approved Exhibits and Permits

Purpose: To ensure compliance with and notification of requirements of other federal, state or local government regulatory agencies.

Requirement: Upon the request of the Planning Director, the Permittee shall provide the Planning Division with documentation to verify that the Permittee has obtained or satisfied all applicable federal, state and local entitlements and conditions.

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

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

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective project file. In the event that the permit is modified or changes are made by any other respective agency, the Permittee shall submit any revised documentation within 30 days of the modification.

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

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

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities, of the pertinent conditions of this CUP.

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

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

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

10. Recorded Notice of Land Use Entitlement

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

Requirement: The Permittee and Property Owner of record shall sign, have notarized, and record with the Office of the County Recorder, a Notice of Land Use Entitlement form furnished by the Planning Division, for the tax assessor's parcel that is subject to this CUP.

Documentation: Recorded Notice of Land Use Entitlement.

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

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

11. Condition Compliance, Enforcement, and Other Responsibilities

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 11.b. Specifically, the Permittee shall bear the full costs of the following:
 - i. condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
 - ii. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance* (§ 8114-3). The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§8114-3.4).
- b. **Updates on Revolving Compliance Accounts:** Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's

successors-in-interest, shall submit an updated County RMA reimbursement agreement for the existing Condition Compliance Account No. CC07-0047.

- c. **Monitoring and Enforcement Costs:** The reimbursement agreement (Condition 11.b, above) is required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur. The Permittee, in accepting this Conditional Use Permit, grants permission for County Staff to make unannounced inspections of all, or any, events for condition compliance purposes.
- d. **Billing Process:** The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment.

12. Defense and Indemnity

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

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

Neither the issuance of this CUP, nor compliance with the conditions thereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property. The issuance of this CUP shall not impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.

Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims,

demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.

13. Invalidation of Condition(s)

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

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

If a court of law invalidates any condition, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning 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 CUP may be revoked.

14. Consultant Review of Information and Consultant Work

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

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed

and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 11 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

15. Relationship of CUP Conditions, Laws and Other Permits

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

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

A business tax certificate shall be obtained for operation of the event venue.

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

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

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

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

17. Resolution of Complaints

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

- a. The Permittee shall post the telephone number for the designated Contact Person, as identified pursuant to Condition No. 16, in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person;
- b. If a written complaint about this CUP is received by the County, Planning staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation; and,
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this permit is confirmed, County enforcement actions pursuant to § 8114-3 of the *Non-Coastal Zoning Ordinance* may be initiated.

18. Change of Owner and/or Permittee

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

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

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

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

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

19. Resolution of Noise Complaints at Temporary Outdoor Events

Purpose: In order to resolve noise complaints during temporary outdoor (wedding) events and minimize noise related impacts. Noise generated by the wedding events authorized by this CUP shall not exceed the standards prescribed in the Ventura County General Plan *Goals, Policies and Programs* (Last Amended on June 28, 2011), Noise Policy 2.16.2-1. Outdoor noise levels [as measured at the exterior wall of buildings

dedicated to a noise-sensitive use (e.g., residences)], shall not exceed any of the following standards:

- a. $L_{eq}1H$ of 55dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 AM to 7:00 PM;
- b. $L_{eq}1H$ of 50dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 7:00 PM to 10:00 PM; and,
- c. $L_{eq}1H$ of 45dB(A) or ambient noise level plus 3dB(A), whichever is greater, during any hour from 10:00 PM to 2:00 AM.

Requirement: The Permittee shall provide the Planning Director and all residents within one mile of the parcel boundary, with the name, title, address, and phone number of the Permittee, or Permittee's designee, who will be responsible for ensuring condition and code compliance during events at the project site (Condition No. 16, above).

The Permittee, or the Permittee's designee, must use the following process to resolve noise complaints received during events:

- a. Immediately investigate the complaint and then decide, if any of the following actions can be taken to abate the noise complaint:
 - i. lower speaker volumes of public address (PA) systems and/or amplified music below the maximum allowed;
 - ii. discontinue the use of PA systems;
 - iii. discontinue the use of amplified music and replace with acoustical music; and/or,
 - iv. alter the timing and sequence of wedding event activities to comply with the maximum noise standards.
- b. Report back to the complaining party by telephone about the investigation findings and explain abatement actions taken, if any, to the complainant as soon as possible, but no later than 15 minutes after receiving the complaint, unless otherwise agreed to by the complainant.
- c. Notify the Planning Director in writing within 10 days of receiving a noise complaint. The notice shall indicate the date and time of the complaint(s), as well as the name, address, and phone number of the complainant(s).

The Permittee shall take all reasonable actions to prevent noise from adversely affecting nearby residents. If the problem persists, the Planning Director may initiate actions to prevent further complaints, including, but not limited to the use of a noise consultant, at the Permittee's expense, to monitor the event noise and implement measures to achieve compliance with the maximum noise levels. Failure of the above attempts to curtail noise complaints may result in the Planning Director modifying the permit to disallow event activities that adversely affect nearby sensitive receptors.

Documentation: The Permittee must maintain current contact information for the Permittee or Permittee's designee and supply the contact information to the County Planning Division.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, and annually on February 1st thereafter, the Permittee shall provide the Planning Division updated contact information for the individual who will be responsible for ensuring condition and code compliance during events at the project site. The Permittee, or Permittee's designee, shall be available for contact during events, if any. If the contact information should change prior to the mandatory annual update, the Permittee shall provide the residents and Planning Director with the new information prior to the next event. The Permittee shall notify the Planning Director in writing within 10 days of receiving a noise complaint. The notice shall indicate the date and time of the complaint(s), as well as the name, address, and phone number of the complainant(s).

Monitoring and Reporting: The Planning Division maintains the contact information provided by the Permittee in the project file. The Permittee shall provide the Planning Division notice of any complaints associated with the events to be maintained in the project file. In the event that complaints go on unabated, the Planning Director has the authority to review any complaints received by the Planning Division to determine whether the permit should be modified or revoked.

20. Exterior Lighting:

No permanent lighting shall be installed for the temporary events permitted by this CUP. Temporary lights are permitted if used in accordance with the approved Lighting Plan (Planning Director Staff Report Exhibit 3). Pursuant to the requirements of Condition No. 2 (above), all temporary lighting shall be removed from the site after the event has ended. Lighting in excess of 150 watts shall not result in direct illumination of adjacent properties. Any exterior lighting in excess of 150 watts shall be hooded and/or directed downward onto the subject parcel to prevent spill-over onto adjacent parcels. All lights shall be completely turned off by 10:00 p.m. Monday through Friday, and 12:30AM on Sunday and Monday (for Saturday and Sunday events).

21. Events Report:

The Permittee shall maintain an Events Report, on a form provided by the Planning Division, in order to record the following for each temporary event:

- a. A brief description of the type of temporary event (e.g., wedding event);
- b. The scheduled date and hours of the temporary event;
- c. The number of attendees; and,
- d. Whether noise complaints were received, resolved and reported to the Planning Director as required pursuant to Condition No. 19 (above).

This Events Report (Planning Director Staff Report Exhibit 7) shall be retained by the Permittee and submitted with an application for permit renewal pursuant to Condition No. 3, or at any time upon the written request of the Planning Director or her designee. The

Permittee also must submit the Events Report to the Planning Director annually on or before February 1.

22. Website

As soon as an event is confirmed but no less than 24 hours prior to the commencement of the event, the Permittee shall post on the Permittee's internet website the date and hours of the event. The internet website currently is www.HartleyBotanica.com. If the internet website should change, the Permittee shall provide the Planning Division with the new website in writing within five calendar days of the change.

II. Environmental Health Division (EHD) Conditions

23. During wedding events, the use of the restrooms connected to the on-site septic system is prohibited by guests and event staff. Use of the half-bathroom located in the Quonset hut is restricted to the bridal party only.
24. An adequate quantity of portable toilet(s) shall be provided and maintained in a sanitary condition for weddings.
25. Food preparation including but not limited to an on-site barbecue and beverage service; food storage including but not limited to refrigerators; and, utensil washing including but not limited to sinks for activities associated with the subject project are prohibited on site.
26. The Los Angeles Regional Water Quality Control Board adopted Order No. 01-131 to require general waste discharge requirements for commercial and multifamily sewage disposal systems. Wastewater generated by the project may be subject to waste discharge requirements. For more information regarding the Order and waste discharge requirements, please contact the Los Angeles Regional Water Quality Control Board at (213) 576-6600.
27. Prior to issuance of the Zoning Clearance for use inauguration, the applicant shall obtain a Waste Discharge Report/determination of exemption from the Los Angeles Regional Water Quality Control Board or written authorization from the Los Angeles Regional Water Quality Control Board for the Ventura County Environmental Health Division to issue appropriate permits.

PUBLIC WORKS AGENCY (PWA) CONDITIONS

Transportation/Circulation

28. Special Events:

Purpose: The Special Events have the potential to temporarily cause an increase in the traffic on adjacent roads near the Special Event.

Requirement: The Special Events have the potential to temporarily cause an increase in traffic on adjacent roads near the Special Event.

- a. The applicant/permittee shall provide adequate parking on-site. No parking shall be allowed on the local public road.
- b. The maximum number of events is 60 per year.
- c. The maximum number of guests is 200 per event.
- d. The traffic generated by the events shall occur outside the morning and afternoon peak-hours Monday through Friday. The morning peak period is from 7 a.m. to 9 a.m. and the afternoon/evening peak period is from 4 p.m. to 6 p.m.

Documentation: None required.

Timing: None required.

Monitoring and Reporting: The Permittee, in accepting this Conditional Use Permit, grants permission for County Staff to make unannounced inspections of all, or any, events for condition compliance purposes.

29. Road Improvements:

Purpose: Road improvements shall be required when required by the applicable and current County Road Standard Plate.

Requirement: Balcom Canyon Road has an existing road width of 24 feet. The minimum required road width is 32 feet per Road Standard Plate B-7[A]. Road improvements are required in accordance with the County Road Standards, General Plan 4.2.2; Ordinance 1607 dated November 10, 1964; the "Paveout Policy" dated January 16, 1968; and Code of Ordinances Division 8, Chapter 4 – Urban Area Development.

- a. Construct 4 feet of road pavement (half of minimum road width required) along the parcel's frontage in accordance with Road Standard Plate B-7[A]. Submit road improvement plans prepared by a Registered Civil Engineer to the PWA – Transportation Department for review and approval. Enter into an agreement with the County to complete the road improvements. Submit the agreement to the PWA – Transportation Department for review and approval. Post sufficient surety guaranteeing the construction of the road improvements. Submit proof to the PWA – Transportation Department that the surety has been posted.
- b. The above roadway improvement may be postponed for 10 years or the length of the CUP, whichever is less. The applicant/permittee or property owner shall pay for the cost of road improvements to Balcom Canyon Road along the property frontage if the County decides to perform the improvement within the time

specified above. Prior to issuance of a Zoning Clearance for Use Inauguration, the applicant/permittee or property owner shall provide a written acknowledgement of this condition. A copy of the written acknowledgement shall be submitted to the Transportation Department as proof of compliance.

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

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

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

Integrated Waste Management Division Conditions

30. Waste Diversion & Recycling Requirement:

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

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

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

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

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

31. Collection and Loading Areas for Refuse and Recyclables:

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

Requirement: The Permittee shall adhere to the County’s *Space Allocation Guidelines* which include minimum space requirements for refuse and recycling bins and

recommend aesthetic, gated, trash enclosures. Please review the County's *Space Allocation Guidelines* at: www.wasteless.org/spaceallocationguidelines. The Permittee shall provide adequate trash and recycling containers at all events, and ensure all food, trash, and recyclables are removed from the property following each event.

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

Timing: Prior to issuance of the Zoning Clearance for use inauguration, the Permittee must submit a site plan to the IWMD for review/approval that indicates the location of a trash enclosure or designated area on the property for siting refuse and recycling bins. Prior to any event, the Permittee shall arrange for temporary trash and recycling containers.

Monitoring & Reporting: Upon request, the Permittee shall allow IWMD staff to verify a trash enclosure has been constructed on the premises. The Permittee shall, upon request, provide evidence temporary trash and recycling containers were provided at the events on the property (i.e., dated catering service receipts, and dated solid waste collection bills).

Ventura County Fire Protection District (VCFPD) Conditions

32. Address Numbers

Purpose: To ensure proper premise identification is provided and maintained to expedite emergency response.

Requirement: The Permittee shall provide and/or maintain address numbers, a minimum of 10 inches high, shall be of contrasting color to the background, and shall be readily visible at night. Brass or gold plated numbers shall not be used.

Documentation: A VCFPD stamped copy of the approved addressing plan.

Timing: The Permittee shall submit two copies of the address plan to the Fire Prevention Bureau for approval and install all required addressing prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: A copy of the approved address plan shall be kept on file with the Fire Prevention Bureau. The VCFPD has the authority to inspect the address numbers as it deems necessary to ensure that the address numbers are installed and maintained according to the approved plans. The Permittee shall be responsible for ongoing maintenance of the addressing and shall conduct repairs as necessary for maintenance or as required by the VCFPD.

33. Access Road Width and Driveway Maintenance

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

Requirement: The Permittee shall provide and/or maintain an on-site access road of 25 feet in width and off street parking.

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

Timing: The Permittee shall submit two copies of the access plan to the Fire Prevention Bureau for approval and install all required access roads prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The VCFPD has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary to ensure that the access width is installed and maintained according to the approved plans. The Permittee shall be responsible for ongoing maintenance of the access road(s) and driveway(s) and shall conduct repairs as necessary for maintenance or as required by the VCFPD.

34. Vertical Clearance

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

Requirement: The Permittee shall provide and/or maintain a minimum vertical clearance of 13'-6" along all access road(s) and driveway(s).

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

Timing: The Permittee shall submit two copies of the access plan to the Fire Prevention Bureau for approval and provide vertical clearance prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The VCFPD has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary to ensure that the access vertical clearance is installed and maintained according to the approved plans. The Permittee shall be responsible for ongoing maintenance of the access road(s) and driveway(s) and shall conduct repairs as necessary for maintenance or as required by the VCFPD.

35. Turning Radius

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

Requirement: The Permittee shall provide and/or maintain a minimum 40 foot inside turning radius at all turns along the access road(s) and driveway(s).

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

Timing: The Permittee shall submit two copies of the access plan to the Fire Prevention Bureau for approval and provide all required turning radii prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The VCFPD has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary to ensure that the access turning radius is installed and maintained according to the approved plans. The Permittee shall be responsible for ongoing maintenance of the access road(s) and driveway(s) and shall conduct repairs as necessary for maintenance or as required by the VCFPD.

36. Turnarounds

Purpose: To ensure that adequate VCFPD access is provided and maintained 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 VCFPD access road(s) and driveway(s) exceed 150 feet. Required turnaround areas shall be designed as follows:

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

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

Timing: The Permittee shall submit two copies of the access plan to the Fire Prevention Bureau for approval and install all required turnarounds prior to issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: A copy of the approved access plan shall be kept on file with the Fire Prevention Bureau. The VCFPD has the authority to inspect all on-site access road(s) and driveway(s) as it deems necessary to ensure that the access is installed according to the approved plans. The Permittee shall be responsible for ongoing maintenance of the access road(s) and driveway(s) and shall conduct repairs as necessary for maintenance or as required by the VCFPD.

37. Fire Lanes

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

Requirement: The Permittee shall post all fire lanes in accordance with California Vehicle Code and current Ventura County Fire Protection District Standards. All fire lane markings/signs shall be located within recorded access easements. The Permittee shall maintain all required fire lane markings/signs to be clearly visible.

Documentation: A VCFPD stamped copy of the approved fire lane plan.

Timing: The Permittee shall submit two copies of the site plan to the Fire Prevention Bureau for approval and install all required fire lanes prior to issuance of the Zoning Clearance for use inauguration.

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

38. Access Road Gates

Purpose: To ensure that adequate VCFPD access is provided and maintained 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 road(s) and driveway(s) consistent with Fire Protection District Standards.

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

Timing: The Permittee shall submit two copies of the gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of the Zoning Clearance for use inauguration issued by the RMA, Planning Division.

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

39. Fire Code Permits

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

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

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

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

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

40. Tents, Canopies and Temporary Membrane Structures

Purpose: To comply with the requirements of the California Fire Code and California Code of Regulations Titles 19 and 24.

Requirement: The Permittee shall obtain a Fire Code permit for all temporary structures (e.g. tents or canopies). Temporary tent(s) are limited to a maximum of 180 days in a 12 month period at a single property. Each day a tent is erected counts towards the 180 day limit. The 180 day limit does not restart each time a tent is taken down. Any tent(s) exceeding the 180 day limitation shall comply with the California Building Code for permanent buildings. This will require a fire sprinkler system and a building permit.

The submittal shall include the following requirements:

- a. Site plans showing the size of the tent(s), interior layout of tables and chairs, exits and fire extinguisher locations
- b. Site plans showing the location of tent(s) in relation to existing buildings, other tents/canopies, cooking facilities, parking locations, heating equipment (i.e., LPG forced air heaters) and fuel operated generators.
- c. A certificate of flame retardant for tent fabrics.
- d. For outdoor festivals and concession booths, plans shall indicate which booths provide cooking and non-cooking, aisle widths between booths, emergency vehicle access and existing hydrant locations.

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

Timing: The Permittee shall submit a Fire Code permit application along with required documentation/plans to the Fire Prevention Bureau for approval at least two weeks before installing any tent.

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

41. Public Safety Plan (PSP)

Purpose: To ensure adequate public safety levels are maintained during indoor/outdoor public gatherings of persons which may have an adverse impact on public safety.

Requirement: The Permittee shall develop and have an approved PSP. The PSP shall address such items as emergency vehicle ingress and egress, fire protection, emergency medical services, evacuation and safe dispersal areas, public assembly areas and the directing of both attendees and vehicles (including the parking of vehicles), vendor and food concession distribution, method(s) for activating the emergency response system (911), method(s) to notify and give direction to attendees, staff training and the need for the presence of law enforcement and fire and emergency medical services personnel at the event. Reference: IFC Chapter 4

Documentation: A copy of the approved PSP.

Timing: The Permittee shall submit two copies of a PSP to the Fire Prevention Bureau for approval before the issuance of the Zoning Clearance for use inauguration.

Monitoring and Reporting: A copy of the approved PSP shall be kept on file with the Fire Prevention Bureau.

42. Inspection Authority

Purpose: To ensure on-going compliance with all applicable codes, ordinances and project conditions.

Requirement: The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (VCFPD) is authorized to enter at all reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

Documentation: A copy of the approved entitlement conditions.

Timing: The Permittee shall allow on-going inspections by the fire code official (VCFPD) for the life of the project.

Monitoring and Reporting: A copy of the approved entitlement conditions shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall ensure ongoing compliance with this condition through on-site inspections.

Air Pollution Control District (APCD) Conditions

43. APCD Rules and Regulations for Project Parking Areas

Purpose: In order to ensure that fugitive dust and particulate matter that may result from parking on the site are minimized. The Permittee shall comply with the provisions of applicable APCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Requirement: The Permittee shall comply with the provisions of applicable APCD 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:

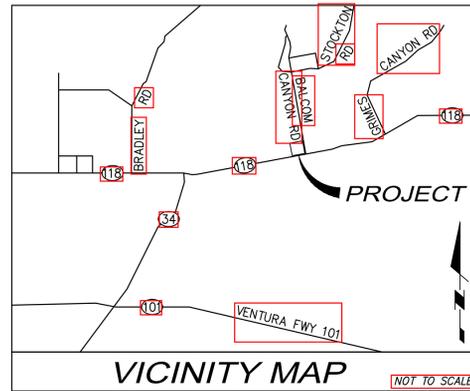
- a. Signs shall be posted onsite limiting traffic to 15 miles per hour or less. Posted signs are temporary and shall be posted for the duration of the event, but must be removed after each event.
- b. Signs displaying the APCD Complaint Line telephone number for public complaints shall be posted in a prominent location off the site for the duration of the event, but must be removed after each event: (805) 645-1400 during business hours and (805) 654-2797 after hours.

Reporting and Monitoring: The Lead Agency shall monitor to ensure the signage is developed and used as described during events.

HARTLEY BOTANICA, INC. CUP

4465 BALCOM CANYON ROAD

APN 110-0-220-08

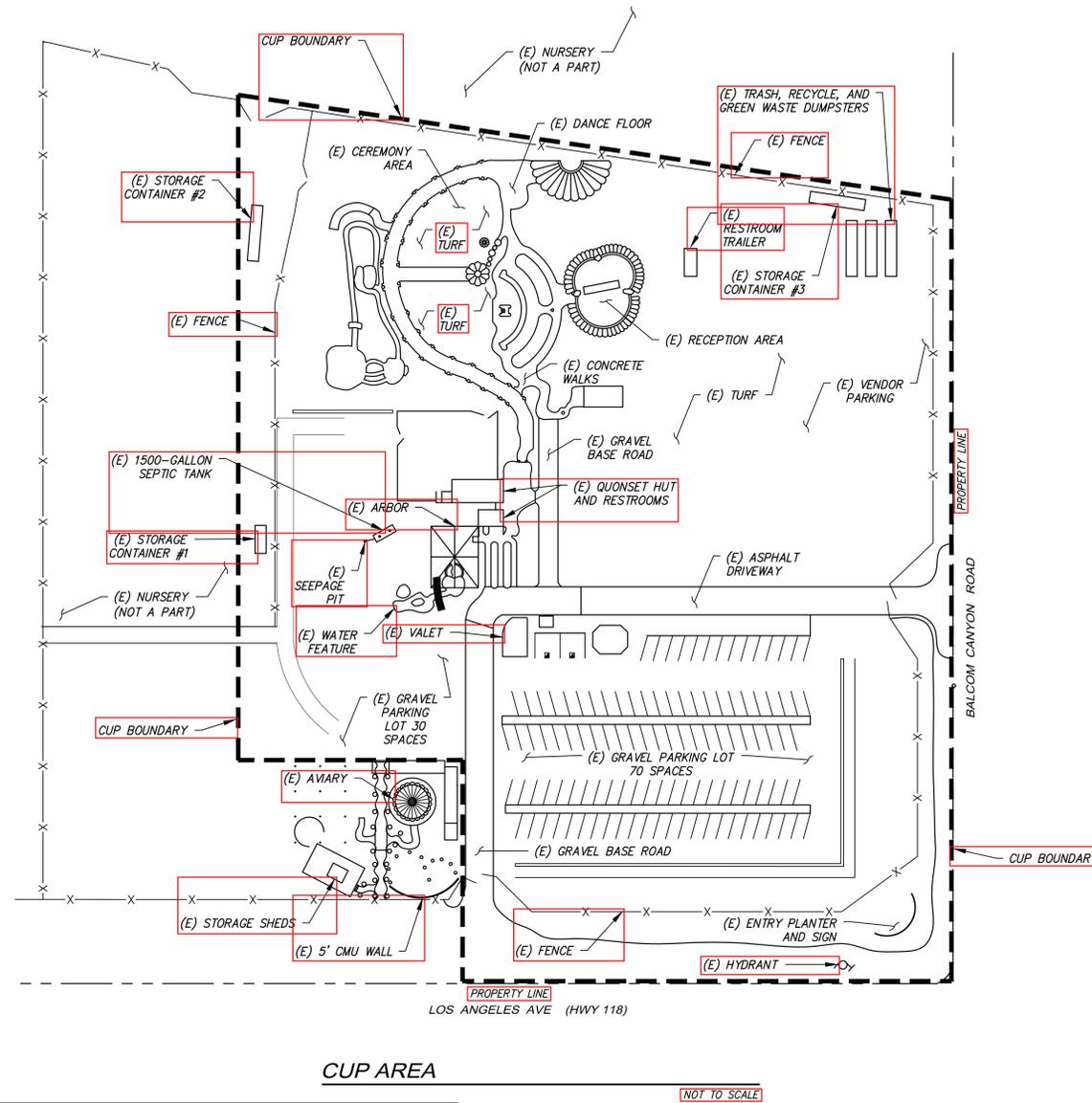
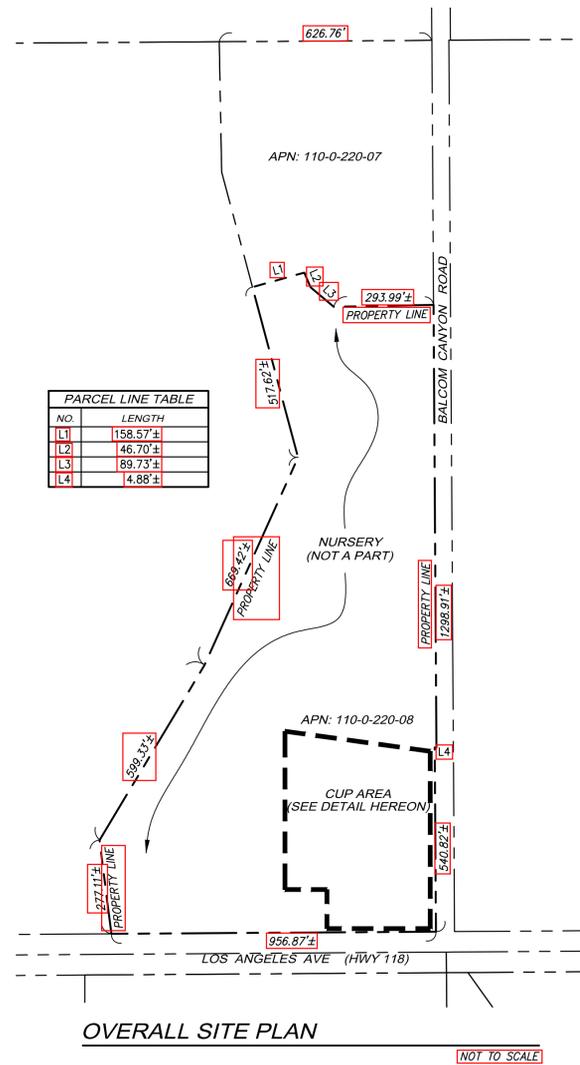


LEGEND

---	LIMITS OF CUP BOUNDARY
---	PROPERTY LINE
(E)	EXISTING
(P)	PROPOSED

LAND USE TABLE

ADDRESS: 4465 BALCOM CANYON ROAD, SOMIS, CA 93066
APN: 110-0-220-08
LOT SIZE: 28.31± ACRES
SIZE OF CUP AREA: 4.7 ACRES
ZONING: AE-40ac
GENERAL PLAN: AGRICULTURAL
LOT COVERAGE/STRUCTURES:
EXISTING:
QUONSET HUT: 720 S.F.
RESTROOMS/OFFICE: 216 S.F.
ARBOR (OPEN AIR): 1,496 S.F.
STORAGE SHED: 120 S.F.
RESTROOM TRAILER: 180 S.F.
STORAGE CONTAINER #1: 160 S.F.
STORAGE CONTAINER #2: 320 S.F.
STORAGE CONTAINER #3: 320 S.F.
PARKING:
100 SPACES (EXISTING)



County of Ventura
Planning Director Hearing
Case No. PL21-0060
Exhibit 4 - Site Plans

<p>Marquette CONSULTING, INC. Environmental • Land • Planning 9452 Telephone Road, #258 • Ventura, California 93004</p>	HARTLEY BOTANICA, INC. CUP 4465 BALCOM CANYON ROAD SOMIS, CA 93066	SHEET 1 OF 2
	Property Owner: GEORGE AND DEBRA TASH 5777 BALCOM CANYON ROAD SOMIS, CA 93066	Assessor's Parcel Number: 110-0-220-08 COUNTY OF VENTURA STATE OF CALIFORNIA



**Project Description
Hartley Botanica**

**APNs 110-0-220-08
4465 Balcom Canyon Road, Somis, CA 93066**

June 4, 2021

Permit Request

Hartley Botanica is requesting a modification to their current Conditional Use Permit (CUP) LU11-0069 for the use of the site located at 4465 Balcom Canyon Road in Somis (property) for “Outdoor Events”. The proposed modifications include the following:

1. Extend the term of the CUP for an additional 20 years (current CUP expiration date is March 30, 2022).
2. Increase the permitted number of events from 60 to 90 per year in accordance with section 8107-46.4 of the Non-Coastal Zoning Ordinance.
3. Include one additional self-contained, temporary restroom trailer at the site in place of portable restrooms.
4. Change event days and extend the hours of operation. The following table from the CUP summarizes the *currently* approved operations:

Weekday Event (maximum of 5 per year)	Hours of Operation (including all set-up and clean-up activities)		Clean-up Must be Completed No Later Than:
Monday through Friday	9 AM – 4 PM	6 PM – 10 PM	10 PM
Weekend Event	Set-up Time Cannot Begin Before	Event Must End By:	Clean-up Must be Completed No Later Than:
Saturday and Sunday	7 AM	Midnight	12:30 AM

The requested changes to operations are as follows (changes from what is currently approved are underlined):

Weekday Event (maximum of <u>10</u> per year)	Hours of Operation (including all set-up and clean-up activities)		Clean-up Must be Completed No Later Than:
<u>Monday through Thursday</u>	9 AM – 4 PM	6 PM – 10 PM	<u>10:30 PM</u>
<u>Friday</u>	9 AM – 4 PM	6 PM – <u>12 AM</u>	<u>12:30 AM</u>
Weekend Event	Set-up Time Cannot Begin Before	Event Must End By:	Clean-up Must be Completed No Later Than:
Saturday and Sunday	7 AM	Midnight	12:30 AM

County of Ventura Planning Director Hearing Case No. PL21-0060 Exhibit 5 - Project Description

The Permittee is not requesting to increase the total number of guests per event, which has always been limited to 200 guests. However, subsequent to the granting of LU11-0069, Section 8107-46 et seq of the Ventura County Non-Coastal Zoning Ordinance (Outdoor Events) has been updated. Since the Code update, the term *guest* has been omitted and now refers to *attendees* (a term which includes guests, staff, vendors, and any other persons in attendance at the event). When originally issued, LU11-0069 allowed for up to 200 guests but did not identify a number of allowed non-guest attendees (staff, vendors, security, etc.). Therefore, to comply with the terminology of Section 8107-46 et seq of the Ventura County Non-Coastal Zoning Ordinance and ensure that the Permittee can continue to have up to 200 guests, this CUP modification should clarify a maximum of 225 attendees is allowed. This would maintain the 200 guests limit and allow up to 25 staff, vendors, etc.

Traffic and Parking

The proposed modification does not include an increase in the number of guests or employees and will not result in additional trips *during each event* or require additional parking. An overall increase in *annual* vehicle trips would result by increasing the number of events from 60 to 90. It is worth noting that since LU11-0069 was approved, the intersection of Balcom Canyon Road and Los Angeles Avenue (SR-118) is now a signalized intersection which is expected to improve the flow of vehicles entering and exiting the property. The existing 100 parking spaces would continue to be provided on-site for attendees (minimum 70 spaces in guest parking and 30 spaces in vendor/overflow parking). Offsite parking, including parking on Balcom Canyon Road or Los Angeles Avenue (SR-118) would continue to be prohibited

Water Supply

Water is supplied to the project by Ventura County Waterworks District 19.

Fire Protection

No changes to structures are proposed that would require additional fire protection measures. All previous Fire conditions of approval have been satisfied.

Wastewater

Portable restrooms are provided during events and are serviced regularly by an outside vendor, typically after each event.

Grading and Stormwater

The site was previously graded under the original CUP. No grading or new permanent structures are proposed.

Biological Impacts

As mentioned above, the site was previously graded when originally developed. No trees will be removed. Activities and level of use will be similar to existing conditions. Therefore, there will be no biological impacts.

Noise and Light

Noise and light generated from the project will be similar to the existing operation, however events on Friday nights will be extended an additional two hours (requested 10 per year).