



Planning Director Staff Report– Hearing on May 17, 2021

County of Ventura • Resource Management Agency

800 S. Victoria Avenue, Ventura, CA 93009 • (805) 654-2662 • www.vcrma.org/divisions/planning

MEINERS OAKS NURSERY

MODIFIED CONDITIONAL USE PERMIT (CUP) CASE NO. PL21-0016

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing retail commercial plant nursery for an additional 30-year period. (Case No. PL21-0016)
2. **Property Owner/Applicant:** Oscar Acosta, 312 W. El Roblar Drive, Ojai, CA 93023
3. **Applicant's Representative:** Maria Delgado, 312 W. El Roblar Drive, Ojai, CA 93023
4. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-5 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested modified CUP.
5. **Project Site Size, Location, and Parcel Number:** The project site is addressed as 312 El Roblar and is located at the intersection of El Roblar Drive and Padre Juan Avenue in the community of Meiners Oaks within the Ojai Valley, in the unincorporated area of Ventura County. The Assessor's Parcel Number for the parcel that constitutes the project site is 017-0-144-180 (Exhibit 2). The project site consists of three legal lots that encompass a total of 13,750 square feet.
6. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Commercial, Existing Community
 - b. Ojai Valley Area Plan Designation: Commercial
 - c. Zoning Designation: "CPD/TRU/DKS" (Commercial Planned Development / Temporary Rental Units Overlay / Ojai Valley Dark Sky Overlay)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	"R1- 6000 sq. ft." (Single Family Residential, 6,000 sq. ft. minimum parcel size)	Residential
South	"CPD" (Commercial Planned Development)	Vacant
East	CPD	Gasoline Station
West	CPD	Vacant

8. History:

The project site is located on El Roblar Drive and consists of three legal lots which front on Padre Juan Avenue in an area of Meiners Oaks that includes a variety of businesses, such as a market and a gasoline station.

On March 9, 2001, the Planning Director approved Planned Development Permit (PD) 1851 to authorize the use of an existing commercial office building for the property owner’s tree trimming business. On October 12, 2009, the Planning Division issued a Notice of Violation for the operation of a retail nursery (“Ortiz Nursery”) on the subject property without the required permits. On March 26, 2010, the applicant submitted an application for the Conditional Use Permit (CUP) required to legalize the retail nursery business. This CUP was granted by the Planning Director on June 3, 2011 to authorize the operation of the retail nursery for a ten-year period ending on June 3, 2021 (Case No. LU10-0039).

A Permit Adjustment of PD 1851 (Case No. LU10-0052) was granted by the Planning Director on July 12, 2010 to eliminate the expiration date for that permit.

The current application (PL21-0016) is limited to a request to extend the effective period of the CUP that authorizes the operation of a retail nursery.

9. Project Description:

The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing retail commercial plant nursery for an additional 30-year period. No new construction or changes in the existing facilities are proposed. The existing onsite building will continue to be divided and used as follows:

- 278 square feet for a retail nursery (currently the Ortiz Nursery),
- 353 square feet for a tree trimming business (currently Acosta’s Tree Trimming), and

- 109 square feet for a shared office restroom.

The nursery office and restroom (278 SF + 109 SF = 387 SF) and the entire outdoor area of the project site are included within the CUP boundary for Ortiz Nursery. All outdoor areas of the site not dedicated to parking will be used for nursery stock and be available to the public. Four onsite parking spaces will continue to be provided for the shared use.

The nursery will be open seven days a week from 9:00 AM to 5:00 PM and employ one full-time and two part-time workers. Deliveries of merchandise to the nursery will take place throughout the week, between the hours of 9:00 AM and 1:00 PM. Pedestrian access to the site is provided by a gate located along El Roblar Drive. Vehicular access to the project site is provided by a driveway connected to Padre Juan Avenue.

Water service will continue to be provided by Meiners Oaks County Water District and sewer service will be provided by the Ojai Valley Sanitation District.

Note: The portion of the building utilized for a tree trimming business is authorized by Planned Development Permit No. 1851, as modified by Permit Adjustment LU10-0052.

(Refer to the project plans in Exhibit 3.)

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 is eligible for an exemption from environmental review in accordance with Section 15301 of the CEQA Guidelines. This section of the Guidelines exempts the continued use or operation of existing facilities. The proposed project is comprised of the continued operation of an existing retail nursery without changes in physical facilities or operational limits. Section 15300.2 of the State CEQA Guidelines provides exceptions to Categorical Exemptions based on: location relative to mapped resources or hazards of critical concern, cumulative impacts, scenic highways, hazardous waste sites, historical resources, and where there is a reasonable possibility that the activity will have a significant effect on the

environment due to unusual circumstances. The continued operation of an existing nursery on an existing developed site does not and will not create a significant adverse effect on the environment, will not result in damage to scenic resources within a designated scenic highway area, and is not located on an identified hazardous waste site or historical site.

Based on the above discussion, staff recommends that the decision-maker find this project to be Categorically Exempt pursuant to Section 15301 of the State CEQA Guidelines and, that none of the exceptions set forth in Section 15300.2 of the State CEQA Guidelines apply.

C. CONSISTENCY WITH THE 2040 GENERAL PLAN

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 2040 General Plan.

LU-11.1 Location: *The County shall encourage mixed-use, commercial, and industrial development be located within cities, existing unincorporated urban centers, or designated Existing Communities where necessary public facilities and services can be provided to serve such development. (RDR)*

Staff Analysis: The proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land zoned for such use. All necessary public and private services are available to serve the proposed facilities.

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

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. (RDR)*

LU-16.2 Urban Design Standards for Commercial and Industrial Development: *The County shall require that discretionary commercial and industrial developments maintain high standards of urban design and environmental quality by incorporating compact form, maximizing pedestrian access and safety, and minimizing land use conflicts and traffic congestion.*

Staff Analysis: The proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land

zoned for such use. No new effect on community character, compatibility with surrounding uses, or traffic congestion will result from the proposed project.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Meiners Oaks County Water District and sewer service will be provided by the Ojai Valley Sanitation District.

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

PFS-1.7 Public Facilities, Services, and Infrastructure Availability: *The County shall only approve discretionary development in locations where adequate public facilities, services, and infrastructure are available and functional, under physical construction, or will be available prior to occupancy.*

Staff Analysis: Water, road access, sewage disposal and all other necessary services are available to the project site to continue to serve the existing nursery.

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

PFS-3.2 Fair Share of Improvement Costs: *The County shall require development to pay its fair share of community improvement costs through impact fees, assessment districts, and other mechanisms.*

Staff Analysis: The Permittee paid the required Traffic Impact Mitigation Fees when CUP LU10-0039 was granted in 2011. As there are no proposed changes in project operations or facilities, no new traffic fee is required. In addition, the landowner contributed land to the public right-of-way of Padre Juan Avenue.

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

PFS-4.1 Wastewater Connections Requirement: *The County shall require development to connect to an existing wastewater collection and treatment facility if such facilities are available to serve the development. An onsite wastewater treatment system shall only be approved in areas where connection to a wastewater collection and treatment facility is deemed unavailable.*

Staff Analysis: Sewer service will continue to be provided to the project site by the Ojai Valley Sanitary District.

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

PFS-6.1 Flood Control and Drainage Facilities Required for Discretionary Development: *The County shall require discretionary development to provide flood control and drainage facilities, as deemed necessary by the County Public Works*

Agency and Watershed Protection District. The County shall also require discretionary development to fund improvements to existing flood control facilities necessitated by or required by the development.

Staff Analysis: The proposed project will result in the creation of any new impervious surfaces. Thus, no new drainage facilities are required to be installed.

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

PFS-11.4 Emergency Vehicles Access: *The County shall require all discretionary development to provide, and existing development to maintain, adequate access for emergency vehicles, including two points of access for subdivisions and multifamily developments.*

Staff Analysis: The project site and parking lot will continue to be accessed by a paved driveway connected to Padre Juan Avenue. This driveway is adequate for emergency vehicle access.

Two points of access are not required as the project does not involve a subdivision or a multifamily dwelling.

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

PFS-12.3 Adequate Water Supply, Access, and Response Times for Firefighting Purposes: *The County shall prohibit discretionary development in areas that lack and cannot provide adequate water supplies, access, and response times for firefighting purposes.*

Staff Analysis: The existing facilities at the project site include a single 24-foot wide driveway connected to Padre Juan Avenue. This accessway and the adjoining parking lot will provide adequate access to the project site for fire suppression.

Water service will continue to be provided by Meiners Oaks County Water District in a manner that meets the fire flow standards of the Ventura County Fire Protection District (VCFPD). The project site is located less than five miles from the nearest fire station. Thus, the available response time will meet VCFPD requirements.

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

WR-1.11 Adequate Water for Discretionary Development: *The County shall require all discretionary development to demonstrate an adequate long-term supply of water.*

Staff Analysis: Water service will continue to be provided by Meiners Oaks County Water District (MOWD). The MOWD produces groundwater from the river gravels in

the Upper Ventura River Sub-basin aquifer. The County considers a connection to the MOWD to constitute an adequate long-term source of water.

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

D. CONSISTENCY WITH THE OJAI VALLEY AREA PLAN

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. The Ojai Valley Area Plan (OVAP) is part of the General Plan, and the project site is located within the OVAP boundaries.

Evaluated below is the consistency of the proposed project with the applicable policies of the OVAP.

OV-11.2 Discretionary Review of Commercial Development: *The County shall subject discretionary development in Commercial designated areas to either a Planned Development or a Conditional Use Permit to assure compatibility with neighboring land uses. Such review shall give careful attention to landscaping, signage, access, site and building design and size, drainage, on-site parking and circulation, operating hours, fencing, and mitigation of nuisance factors.*

Staff Analysis: The proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land zoned for such use and has both an active CUP and a Planned Development permit in good standing. The small building on the property, shared with a tree trimming business, continues to be compatible and in character with the nearby commercial and retail land uses in the neighborhood. No changes in the existing landscaping, signage, parking or other facilities are proposed. The operating hours are not proposed to change.

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

OV-17.1 Community Compatibility: *The County shall require all discretionary development projects to be reviewed and conditioned to ensure that they are compatible with their surroundings, are of high quality and good design, are consistent with the character of the Ojai Valley, and are beneficial to the community as a whole.*

Staff Analysis: The proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land zoned for such use. No changes in the physical facilities or the ongoing operations are proposed. This commercial facility is consistent in character with surrounding uses and has proven to be compatible with the surrounding neighborhood over the last 10 years of operation.

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

OV-20.1 Ventura River Valley Municipal Advisory Council (VRVMAC) Authority: *The Ventura River Valley Municipal Advisory Council (VRVMAC) or successor group shall continue to be the Board of Supervisors' recognized public review group for all projects which fall within its review boundaries. All applications for discretionary development and all environmental documents for projects which would affect the Ojai Valley shall be reviewed by the VRVMAC or successor group.*

Staff Analysis: The proposed project involves the continued operation of an existing nursery. No physical changes in the existing buildings or ancillary facilities are proposed. Thus, no new development will occur on the subject property. On March 12, 2021, staff contacted a member of the office of Supervisorial District No. 1 to confirm that the project would not have to be reviewed by the VRVMAC and received confirmation, based on the limited scope of the project and because the existing facility is not proposing any physical or operational changes..

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

OV-22.2 Evaluation of Level of Service (LOS) Impacts based on Land Use Changes: *The County shall evaluate Area Plan land use designation changes, zone changes, and discretionary development for individual and cumulative impacts on existing and future roads, with special emphasis on the following:*

- a. Whether they would cause existing roads within the Regional Road Network or Local Road Network that are currently functioning at an acceptable Level of Service (LOS) to function below an acceptable LOS;*
- b. Whether they would worsen traffic conditions on existing roads within the Regional Road Network that are currently functioning below an acceptable LOS; and*
- c. Whether they could cause future roads planned for addition to the Regional Road Network or the Local Road Network to function below an acceptable LOS.*

Staff Analysis: The existing nursery will continue to operate from 9:00 a.m. to 5:00 p.m. and only have one full-time and two part-time employees. Material deliveries will continue to occur between 9:00am and 1:00pm.

At the time the subject nursery was approved in 2011, the County Transportation determined that the project would not have an adverse effect on the Level of Service of any impacted roadway, including State Highway 33. According to the County Transportation Department, the Traffic Impact Analysis by Associated Transportation Engineers dated March 4, 2010, provides that the project would add less than one

peak-hour trip to the impacted segment of SR 33 during the morning and afternoon/evening peak-hour periods. In any case, the continued operation of this existing permitted facility will not result in any new traffic congestion on area roadways.

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

OV-24.1 Adequate Public Facilities and Services: *The County shall require discretionary development to demonstrate that there are adequate public facilities and services available to serve the needs of the proposed development.*

Staff Analysis: Water, road access, sewage disposal and all other necessary services are available to the project site to serve the proposed land uses.

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

OV-34.1 Compliance with Fire Protection District and Sheriff's Department Requirements: *The County shall require discretionary development to comply with the requirements of the Fire Protection District and Sheriff's Department by providing adequate access for fire, law enforcement, emergency equipment and personnel, and evacuation.*

Staff Analysis: The proposed project includes a single 24-foot wide driveway connected to Padre Juan Avenue. This accessway and the adjoining parking lot will provide adequate access to the project site and facilities for emergency vehicles used for fire suppression, law enforcement and medical services.

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

OV-35.1 Adequate Water for Firefighting: *The County shall require adequate water supplies and delivery system for firefighting purposes to serve any discretionary development in accordance with the standards of the Fire Protection District.*

Staff Analysis: Water will be provided to the project site by the Meiners Oaks County Water District in a manner that meets the fire flow standards of the VCFPD. The conditions of approval (Exhibit 5) include provisions to ensure ongoing fire safety that are recommended by the VCFPD.

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

OV-41.1 Scenic Views and Vistas from Public Roads or Publicly-owned Land: *The County shall prohibit discretionary development/grading which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land, unless the development/grading is a public project, or a private project for which*

there is a substantial public benefit, and overriding considerations are adopted by the decision-making body.

Staff Analysis: The proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land zoned for such use. No changes in the physical facilities or the ongoing operations are proposed. Thus, no new effect on public views will result from project implementation.

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

OV-41.5 Sign Program Requirement: *The County shall require a sign program to be submitted concurrently with a discretionary development permit for all commercial and industrial development. The County shall prohibit Freestanding off-site advertising signs. The County shall limit all on-site freestanding signs to five feet in height.*

Staff Analysis: The existing freestanding identification sign on the project site is five feet in height, consistent with this policy.

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

E. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8105-5), the proposed use (i.e. “Retail, nursery”) is allowed in the CPD zone district with the granting of a CUP by the Planning Director. Upon the granting of the CUP, the Permittee will be in compliance with this requirement.

The proposed project is located within the CPD Zone District and is subject to development standards set forth in Sections 8106-1.2 and 8110-5.1 of the Ventura County Non-Coastal Zoning Ordinance. Table 1 lists the applicable development standards and a description of whether the proposed project is designed in conformance with these standards.

Table 1: Development Standards

Requirement		In conformance?
Minimum Lot Area (Gross)	No requirement	Yes
Maximum Percentage of Building Coverage	60 percent (from General Plan)	Yes

Front Setback	Five feet on corner lots	Yes, the proposed structures will be located more than five feet from all property lines.
Side Setback	Five feet if adjacent to an R zone (Otherwise, as specified by the CUP)	
Rear Setback	Five feet if adjacent to an R zone (Otherwise, as specified by the CUP)	
Maximum Building Height	35 feet	Yes
<u>Section 8110-5.1:</u> Attached Sign: No limit on number of signs. Area of sign limited to one square foot of sign area per linear foot of wall length, maximum of 120 square feet.		Yes. This existing signs in use on the project site are in compliance with these requirements.
<u>Section 8110-5.1:</u> Freestanding sign: Limit of one sign with size limited to the greater of 10 square feet or the length of the street frontage divided by five to a maximum of 200 square feet.		

In summary, the project has been designed in conformance with applicable NCZO standards.

F. 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, D and E of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County General Plan, the Ojai Valley Area Plan (OVAP), 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 proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land zoned for such use. No changes in the existing physical facilities or the ongoing operations are proposed. No aspect of this existing use has been identified that is incompatible with the surrounding land uses or structures.

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

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

The proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land zoned for such use. No changes in the physical facilities or the ongoing operations are proposed.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Meiners Oaks County Water District and sewer service will be provided by the Ojai Valley Sanitation District.

In summary, no aspect of project implementation has been identified that would be obnoxious, harmful or impair the utility of neighboring property or uses.

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].

The proposed project will not result in any new effect on traffic congestion as no changes in the operation are proposed.

All necessary public and private services are available to serve the proposed facilities. Water service will continue to be provided by Meiners Oaks County Water District and sewer service will be provided by the Ojai Valley Sanitation District.

The project site is located in an area for which emergency services are available with adequate response time.

In summary, no aspect of project implementation has been identified that would be detrimental to the public interest, health, safety, convenience, or welfare.

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

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

The proposed project is comprised of the continued operation of an existing retail commercial nursery in the Meiners Oaks Existing Community on land zoned for such use. No changes in the physical facilities or the ongoing operations are proposed.

The small building and ancillary facilities on the project site are compatible and in character with the other commercial buildings and uses in the immediate vicinity and

compatible with nearby residential uses. Given the commercial land use designation and zoning of the project site and immediate vicinity, and the current existence of several commercial uses, a future change in zoning, OVAP designation or land use is not foreseeable at this time.

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

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

Three separate lots comprise the project site: Lots 1, 2, and 3, Block C, of Meiners Ojai Oaks Subdivision No. 1, in the County of Ventura, State of California, as per map recorded in Book 14, Page 7, of Maps, in the office of the County Recorder. As each lot was created through the approval of a subdivision map, each is a legal lot. The project will be subject to a condition of approval that requires these three lots to function as a single property. Sale of any of the three lots separately from the others will render the CUP null and void.

Based on the above discussion, the finding that the proposed development will occur on a legal lot can be made.

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

As discussed in this staff report, and the entire record, the proposed project has been reviewed in compliance with CEQA and all other applicable laws.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), NCZO (Section 8111-3.1). On May 3, 2021, the Planning Division mailed 59 notices to owners of property within 300 feet of the property on which the project site is located. On May 7, 2021, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley News*. 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 the project is exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a modified 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 PL21-0016, subject to the conditions of approval (Exhibit 5); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact John Kessler at (805) 654-2461 or John.Kessler@ventura.org.

Prepared by:



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Commercial and Industrial Permits
Ventura County Planning Division

Reviewed by:



Mindy Fogg, Manager
Commercial and Industrial Permits
Ventura County Planning Division

EXHIBITS

- | | |
|-----------|------------------------|
| Exhibit 2 | Maps |
| Exhibit 3 | Site Plan |
| Exhibit 4 | Notice of Exemption |
| Exhibit 5 | Conditions of Approval |



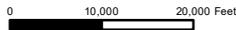
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Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 03-01-2021



County of Ventura
Planning Director Hearing
Case No. PL21-0016
Exhibit 2 - Maps



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

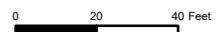




Ventura County, California
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County of Ventura
 Planning Director Hearing
 PL21-0016
 General Plan & Zoning Map



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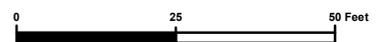




Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
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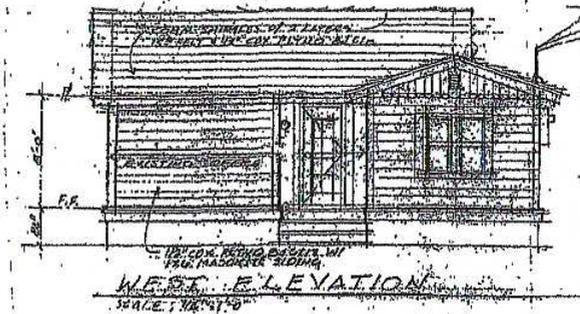
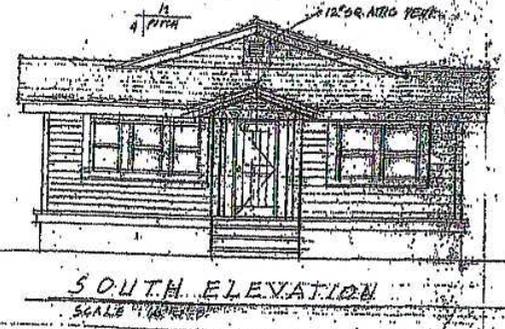
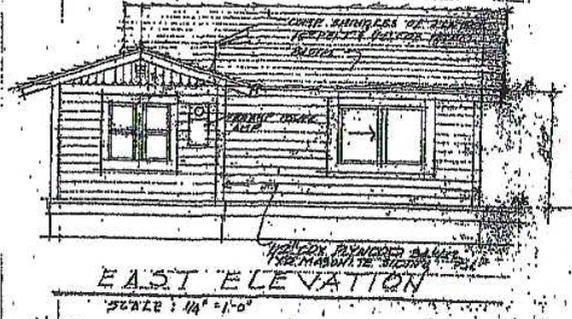
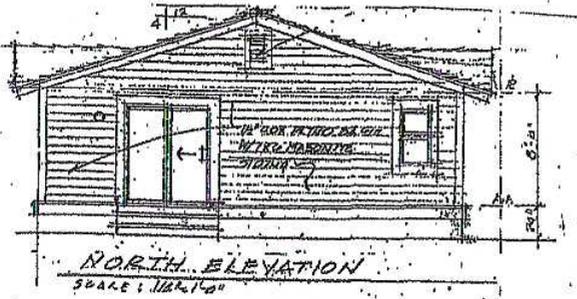


**County of Ventura
Planning Director Hearing
PL21-0016
Aerial Photography**



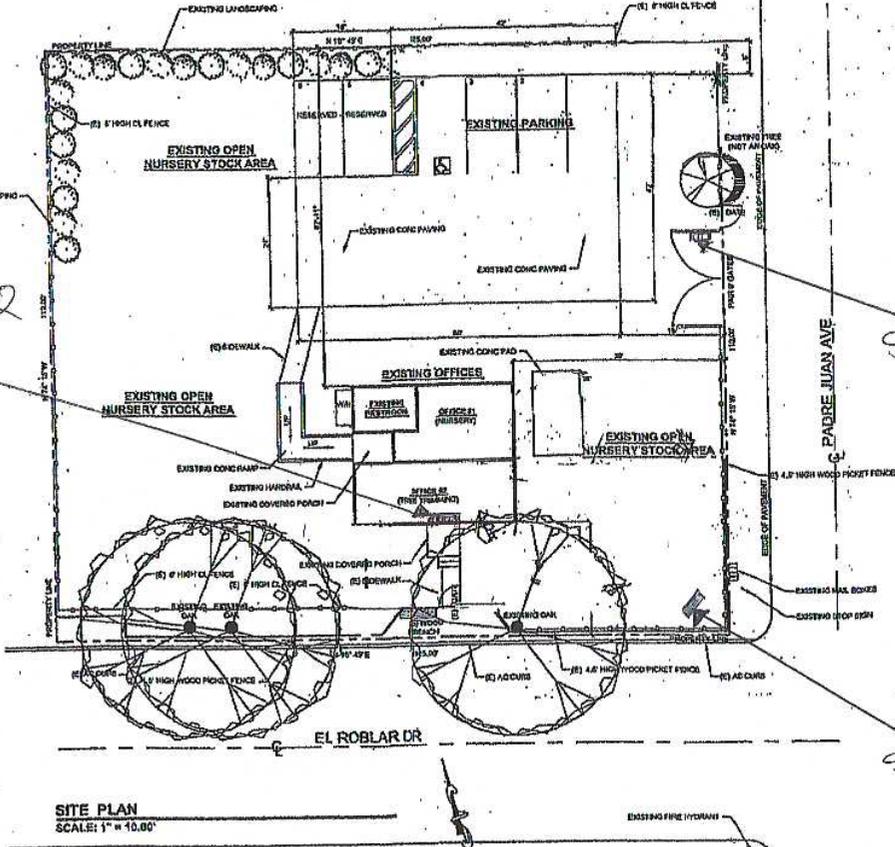
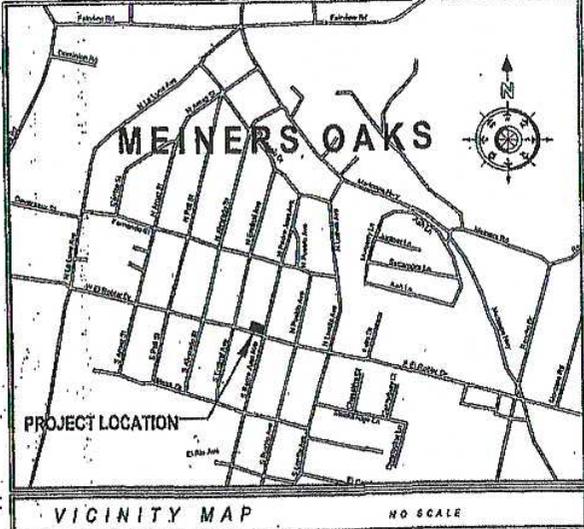
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APN # 017-0-144-180

ELEVATIONS FOR:
 OSCAR ACOSTA
 312 W. EL ROBLAR
 OJAI, CALIF.



SITE PLAN
SCALE: 1" = 10.00'

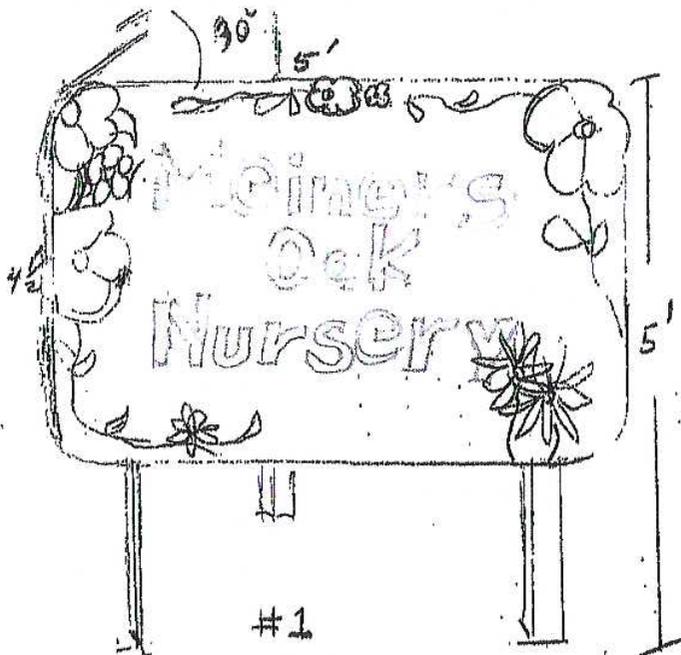
PROJECT DESCRIPTION	
A.P.N.:	017-0-144-190
OCCUPANCY:	13
TYPE OF CONSTRUCTION:	V-B
LOT AREA:	13,750 SQ. FT.
OFFICE AREA:	
OFFICE #1 (NURSERY)	270 SQ. FT.
OFFICE #2 (TREE TRIMMING)	333 SQ. FT.
RESTROOM	129 SQ. FT.
TOTAL	740 SQ. FT. (+5.4%)
COVERED PORCHES:	
FRONT PORCH:	30 SQ. FT.
WEST PORCH:	49 SQ. FT.
TOTAL PORCHES:	79 SQ. FT. (+0.6%)
PAVED AREAS:	
PARKING AREA:	2,106 SQ. FT.
MISCELLANEOUS PAVING:	490 SQ. FT.
TOTAL PAVING:	2,596 SQ. FT. (+18.9%)
LANDSCAPE & NURSERY AREA: 10,248 SQ. FT. = 74.5%	
	13,750 SQ. FT. (+100%)

PATRICK W. HOLAN
 PROFESSIONAL LANDSCAPING
 1010 S. 10TH ST. SUITE 100
 OAKLAND, CA 94612
 (415) 764-1111

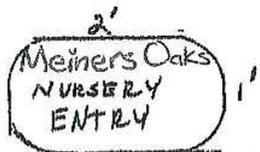
SITE PLAN FOR:
 OSCAR ACOSTA
 312 W. EL ROBLAR DR
 OJAI, CALIF.

1

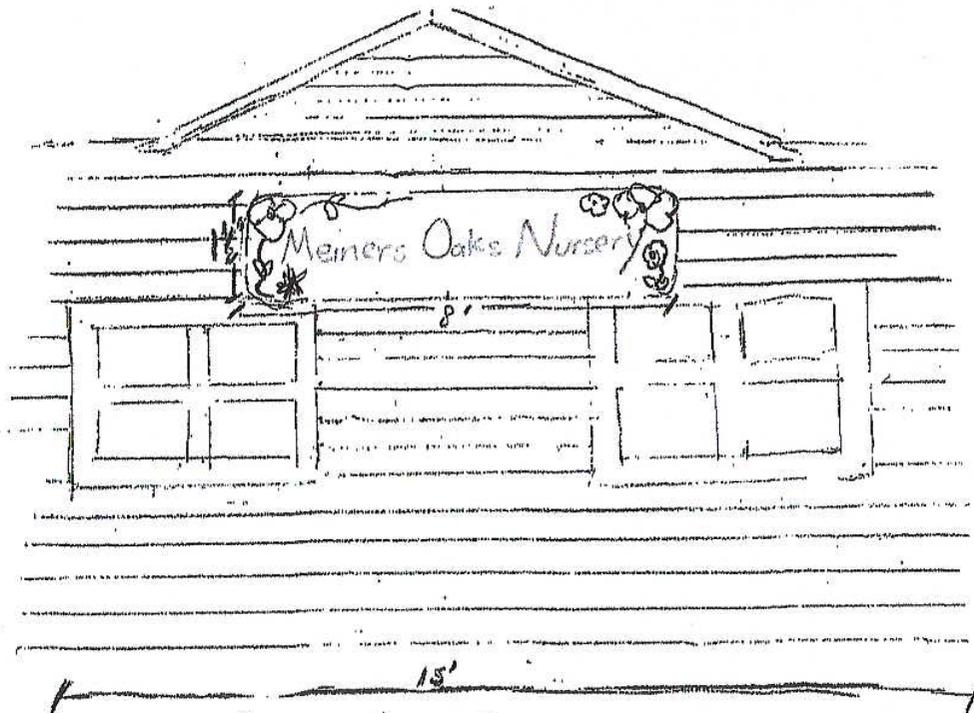
Sign Locations
 for LUI0-0039
 Renewal



#1
 FREE-STANDING 22.5 ft
 Corner of EL ROBLOZ &
 Padre JUAN



#3 SIGN
 ATTACHED TO
 ENTRY GATE 2 ft



#2 ATTACHED TO BUILDING
 PADRE JUAN SIDE
 12 ft

LV10-0039
 Meiners Oaks Nursery
 312 W. EL Roblar
 Ojai CA

SIGN PLAN (N-T-S)



CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NOTICE OF EXEMPTION

To: **County Clerk**
County of Ventura
800 South Victoria Ave., L#1210
Ventura, CA 93009

From: **County of Ventura**
RMA, Planning Division
800 South Victoria Ave., L#1740
Ventura, CA 93009

Office of Planning and Research
1440 Tenth Street, Room 121
Sacramento, CA 95814
(Only if State discretionary approval is required)

A. Project Description:

1. **Entitlement:** Minor Modification of Conditional Use Permit Case No. LU10-0039 (Case No. PL21-0016)
2. **Applicant's Name:** Oscar Acosta
3. **Applicant's Address:** 312 W. El Roblar Drive, Ojai, CA 93023
4. **Location:** 312 W. El Roblar Drive, Ojai, CA 93023
5. **Assessor Parcel No.:** 017-0-144-180
6. **Project Description:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing retail commercial plant nursery for an additional 30-year period.

B. Lead Agency Contact:

1. **Public Agency Approving Project:** County of Ventura, Resource Management Agency, Planning Division
2. **Contact Person:** John Kessler, Case Planner
3. **Telephone No.:** (805) 654-2461
4. **E-mail Address:** john.kessler@ventura.org

C. Exempt Status: Categorical Exemption (Sec. 15301)

Type: Class 1 (Existing Facilities)

D. Justification for Exemption:

Minor Modification of Conditional Use Permit (CUP) Case No. LU10-0039 (Case No. PL21-0016) is exempt pursuant to CEQA Guidelines Section 15301 because the

County of Ventura
Planning Director Hearing
Case No. PL21-0016
Exhibit 4 - Notice of Exemption

proposed project is comprised of the continued operation of an existing retail commercial plant nursery without changes in physical facilities or operational limits.

Project Approval: [insert date]

Prepared by: John Kessler, Case Planner

Reviewed by:

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

EXHIBIT 5

CONDITIONS OF APPROVAL FOR Meiners Oaks Nursery CONDITIONAL USE PERMIT (CUP) NO. PL21-0016

The subject commercial facility shall be maintained and operated in conformance with the following conditions of approval and approved project plans. Any change in the project must be reviewed by the County Planning Division for conformance with the terms of this permit. A change in the project may require a modification of this permit and additional environmental review in accordance with CEQA. A project change implemented without County approval may constitute a violation of this permit and applicable law.

Resource Management Agency Conditions

Planning Division

1. Project Description:

This permit authorizes the continued operation of an existing retail commercial plant nursery for an additional 30-year period. No new construction or changes in the existing facilities are proposed. The existing onsite building will continue to be divided and used as follows:

278 square feet for a retail nursery (currently the Ortiz Nursery),
353 square feet for a tree trimming business (currently Acosta's Tree Trimming),
109 square feet for a shared office restroom.

The nursery office and restroom (278 SF + 109 SF = 387 SF) and the entire outdoor area of the project site are included within the CUP boundary for Ortiz Nursery. All outdoor areas of the site not dedicated to parking will be used for nursery stock and be available to the public. Four onsite parking spaces will continue to be provided for the shared use.

The nursery will be open seven days a week from 9:00 AM to 5:00 PM and employ one full-time and two part-time workers. Deliveries of merchandise to the nursery will take place throughout the week, between the hours of 9:00 AM and 1:00 PM. Pedestrian access to the site is provided by a gate located along El Roblar Drive. Vehicular access to the project site is provided by a driveway connected to Padre Juan Avenue.

County of Ventura
Planning Director Hearing
Case No. PL21-0016
Exhibit 5 - Conditions of Approval

Water service will continue to be provided by Meiners Oaks County Water District and sewer service will be provided by the Ojai Valley Sanitation District.

Note: The portion of the building utilized for a tree trimming business is authorized by Planned Development Permit No. 1851, as modified by Permit Adjustment LU10-0052.

2. 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 be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:

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

It is the Permittee's or the Permittee's successors-in-interest's responsibility to be aware of, and to comply with, the CUP conditions and the rules and regulations of all jurisdictions having authority over the uses described herein.

3. Time Limits:

- a. Use Inauguration:

- (1) The decision on this CUP becomes effective upon the expiration of the decision's appeal period, or when any appeals filed regarding the decision on this CUP are resolved. After the decision on this CUP becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to inaugurate the uses provided in Condition No. 1 (Project Description).
- (2) This CUP shall expire and become null and void if the Use Inauguration Zone Clearance has not been issued within one year [(see the *Ventura County Non-Coastal Zoning Ordinance* (2010, 8111-4.7) from the granting of this CUP. The Planning Director may grant a one year extension of time to obtain the Use

Inauguration Zoning Clearance 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 extension in writing prior to the one year expiration date.

- (3) Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.

- b. Operations Period: The use granted by this CUP will expire on [insert date]. Failure of the County to provide additional notification to the Permittee of the expiration date shall not constitute grounds for continuance of this CUP after the expiration date. The Planning Director may grant a time extension for this CUP, provided that:

- (1) The Permittee files an application for a modification to this CUP prior to the expiration date. If the Permittee submits an appropriate modification application prior to the expiration date, this CUP may continue in force until action is taken on the modification, and on any appeals.
- (2) The Permittee can demonstrate that the Permittee has continuously complied with all conditions of this CUP.

4. CUP Modification: Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or applicable exhibits, the Permittee shall contact the Planning Director to determine if the activity requires a modification of this CUP. The Planning Director may, at the Planning Director's discretion, require that the Permittee file a written and/or mapped description of the proposed activity prior to rendering a decision on whether 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. CUP Boundary and Future Development: The project site consists of three legal lots that together support the commercial facility. If any of the three parcels are sold or leased independently of the others, the use will have effectively separated and the CUP will become null and void, unless the CUP boundary is appropriately modified in advance of the separation.

Each property must individually conform to development standards of the CPD zone. Therefore, future development may require that the properties be merged through the approval of a Parcel Map Waiver/Voluntary Merger (PMW/VM).

6. Notice of CUP Requirements and Retention of CUP Conditions On-Site: Unless otherwise required by the Planning Director, the Owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP. A current set of CUP conditions and exhibits shall be retained at the site; the CUP conditions and exhibits shall be provided on-site prior to issuance of a Use Inauguration Zoning Clearance and shall be maintained on-site until expiration of this CUP.

7. Recorded "Notice of Land Use Entitlement": Prior to the issuance of a Use Inauguration Zoning Clearance, and in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8111-8.3), 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 each legal parcel within the project site. The "Notice of Land Use Entitlement" is to inform the present and future owners of the property on which the CUP site is located that: the affected real property has been granted a CUP which contains certain conditions for the operation and maintenance of the property; and, the purchaser of the real property should be aware of those conditions. A copy of the recorded "Notice of Land Use Entitlement" shall be returned to the Planning Division to be filed with, and made part of, the case file.

8. Condition Compliance, Enforcement, and Other Responsibilities:

- a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by establishing a revolving compliance account as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:

- (1) Condition Compliance, which is defined herein to include, but is not limited to, the staff time, materials 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,

- (2) Monitoring and enforcement costs, and any related fines or penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below).
- b. Pursuant to the requirements of PD 1851 and LU10-0039, the Resource Management Agency created Condition Compliance Case No. CC11-0060 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP LU10-0039. The Planning Division will continue to use Condition Compliance Case No. CC11-0060 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 8.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC11-0060, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

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

9. Defense and Indemnity:

- a. As a condition of issuance and use of this CUP, including adjustment, modification, or renewal of this CUP, the Permittee agrees to:
 - (1) Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,

- (2) Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such action. Upon demand from the County, the Permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the Permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
- b. 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, nor shall the issuance of this CUP serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.
- c. 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.
10. 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 conditions or limitations set forth. In the event that any condition contained herein is determined to be 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, as determined by the Planning Director.

In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the project sponsors 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 any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Director and substitute feasible conditions/mitigation measures may

be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Director. 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.

11. Consultant Review of Information and Consultant Work: The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions 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 for which to be contracted, as well as the costs of such work. Whenever feasible, the lowest bidder will be used. Any decisions made by staff 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, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under the contract to the operator.

12. Relationship of CUP Conditions, Laws and Other Permits: The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended, and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where 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, as determined by the Planning Director.

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, or any 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.

13. Days and Hours of Operation: Seven days a week from 9:00 AM to 5:00 PM
14. Contact Person: Prior to the issuance of the Use Inauguration Zoning Clearance, the Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, phone number, mailing and email addresses, and business and cell phone numbers) of the Permittee's field agent and other representatives who receive all orders, notices, and communications regarding matters of condition and code compliance at the CUP site. There always shall be a contact person designated by the Permittee. If deemed necessary by the Planning Director, one contact person shall be available via telecommunication, 24 hours a day, to respond to complaints by citizens and the County. If the address or phone number of the Permittee's agent should change, or the responsibility is assigned to another person or position, the Permittee shall provide the Planning Director with the new information within three calendar days.
15. Resolution of Complaints: The following process shall be used to resolve complaints related to the project:
 - a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 14 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 is received by the County, Planning staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
 - c. If, following a complaint investigation, a violation of Ventura County Code or a condition of this permit is confirmed, enforcement actions pursuant to Section 8114-3 of the Non-Coastal Zoning Ordinance will be initiated.
16. Correspondence from Other Agencies and Jurisdictions: Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.
17. Site Maintenance: The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Use Inauguration Zoning Clearance. Only equipment, materials, and structures which comply with Condition No. 1 (Permitted Land Uses), or are

authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP. Any on-site lighting shall be directed downward and shall be shielded from direct illumination of the night sky or neighboring properties.

18. Parking

According to a Planning Director determination made on August 31, 2010, this use qualifies for reduced number of parking spaces. As part of this permit request, a total of four on-site parking spaces are required to support both uses (the retail nursery and the tree trimming business) on the site. If in the future, as determined by the Planning Director, additional spaces are needed to support the uses, an expanded parking area may be required. The site plan (Condition of Approval 41) designates an area for a parking reserve consisting of two additional spaces. These spaces would extend the existing parking row toward the west. An additional space directly east of the structure is paved and would also be available as an extra parking space, as determined by the Planning Director. Parking reserve areas are currently dedicated to nursery stock, and no new development that precludes the use of these areas for parking shall be permitted.

19. Change of Ownership: At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, 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). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:

- (a) Any changes in 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 company officer(s) from the initial notice;
- (b) A letter from 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; and,
- (c) The effective date and time of the transfer.

20. Lighting Plan:

Purpose: To ensure lighting on the subject property is provided in compliance with § 8106-8.6 and 8109-4.7 of the *Ventura County Non-Coastal Zoning Ordinance* and to ensure the following objectives are met:

- a. avoids interference with reasonable use of adjoining properties;

- b. avoids conflict with landscape features;
- c. minimizes on-site and eliminates off-site glare;
- d. provides adequate on-site lighting for security;
- e. minimizes energy consumption;
- f. includes devices that are compatible with the design of the permitted facility; and,
- g. Complies with the general standards listed in Section 8109-4.7.4 for all new and replaced outdoor lighting.

Requirement: The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval prior to implementing such plan. The lighting plan must comply with the following:

- a. the lighting plan shall be prepared by an electrical engineer registered by the State of California;
- b. the lighting plan shall include a photometric plan and manufacturer's specifications for each exterior light fixture type (e.g., light standards, bollards, and wall mounted packs). The Permittee shall also include the lighting color and maximum lumens for each light fixture;
- c. the lighting plan shall provide illumination information for all exterior lighting such as parking areas, walkways/driveways, streetscapes, and open spaces proposed throughout the development;
- d. in order to minimize light and glare on the project property, all parking lot lighting, exterior structure light fixtures, and freestanding light standards must be a cut-off type, fully shielded, and downward directed, such that the lighting is projected downward onto the property and does not cast light on any adjacent property or roadway;
- e. the outdoor lighting shall maintain the maximum light trespass levels identified in Table 1 of NCZO Section 8109-4.7.4.

The Permittee shall bear the total cost of the review and approval of the lighting plan. The Permittee shall install all exterior lighting in accordance with the approved lighting plan.

Documentation: The Permittee shall submit two copies of a lighting plan to the Planning Division for review and approval.

Timing: The Permittee shall obtain the Planning Division's approval of the lighting plan prior to the issuance of a Zoning Clearance for Use Inauguration. The Permittee shall maintain the lighting as approved in the lighting plan for the life of the Project.

Monitoring and Reporting: The Planning Division maintains a stamped copy of the approved lighting plan in the Project file. The Permittee shall ensure that the lighting is installed according to the approved lighting plan prior to occupancy. The Building and Safety Inspector and Planning Division staff have the authority to ensure that the lighting plan is installed according to the approved lighting plan. Planning Division staff has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Non-Coastal Zoning Ordinance*.

21. **Sign Plan:** Prior to the issuance of a Zoning Clearance for Use Inauguration, two copies of a Sign Plan shall be submitted to the Planning Division for review and approval by the Planning Director. The Sign Plan shall comply with Chapter 1, Article 10 of the Ventura County Ordinance Code and applicable Area Plan. The Sign Plan shall include the proposed size, colors, materials, and lighting details. The Permittee shall bear the total cost of such review and approval. All elements of the Sign Plan shall be installed according to the Sign Plan, and inspected and approved prior to issuance of a Zoning Clearance for Use Inauguration.

Note: This condition was satisfied at the time CUP LU10-0039 was granted in 2011. Any changes in site signage must be in conformance with this condition.

22. **Archaeological and Paleontological Resources:** In the event that archaeological or paleontological remains or artifacts are encountered during ground disturbance or construction activities, the Permittee shall implement the following procedures:
- (a) If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
- (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Notify the Planning Director in writing, within three days of the discovery;
 - (3) Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.

- (b) If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Immediately notify the Sheriff and the Planning Director;
 - (3) Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development on-site.
 - (c) If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Notify the Planning Director in writing, within three days of the discovery;
 - (3) Obtain the services of a County-approved paleontologist who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.
23. Proprietary Information: Proprietary information and/or trade secrets which are required to be submitted shall be so identified by the Permittee, submitted separately from the other required materials, and confidentially maintained by the public agencies having access to it. Such information shall be requested on an as needed basis only by the applicable County agency or department head. Use Inauguration "*Proprietary information*" means information which the County determines would reveal such things as production, reserves, manufacturing processes and patented formulas, or rate of depletion of the operations of the Permittee. Any information which is not proprietary is a matter of public record.
24. Business License: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall demonstrate to the satisfaction of the Planning Director that the Permittee has a temporary or permanent Ventura County Business License Tax Certificate, or is exempt from such requirements. The Permittee shall maintain a current Tax Certificate and prominently display it at the place of business until this CUP expires.

25. Abatement of Violations: To abate Planning Violation No. PV09-0010, the applicant shall obtain a zoning clearance to legalize the existing retail nursery operation. To prevent further enforcement action related to the Planning Violation, the applicant shall obtain a Zoning Clearance for Use Inauguration within six months of CUP approval.

Note: This condition was satisfied at the time CUP LU10-0039 was granted in 2011. Any changes in site signage must be in conformance with this condition.

Environmental Health Division

26. Hazardous Materials
The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.

Public Works Agency Conditions

Transportation Department

This project is in the State Route (SR 33) traffic impact area and may add traffic to SR 33 in the Casitas Springs area in violation of the County's General Plan (GP) and Ojai Area Plan transportation policies. According to adopted County policies, if a project generates one morning southbound peak-hour trip (PHT) or one northbound afternoon/evening PHT on SR 33 in the Casitas Springs area, a significant adverse impact will occur. The Traffic Impact Analysis by Associated Transportation Engineers dated March 4, 2010, provides that the project would add less than one peak-hour trip to the impacted segment of SR 33 during the morning and afternoon/evening peak-hour periods.

The Transportation Department has a planned sidewalk project named the El Roblar Drive Sidewalks Project – Phase I (Project No. 50473). The project limits on El Roblar Drive are from Encinal Avenue to South Lomita Avenue, approximately 1,900 linear feet, including the lot frontage on Padre Juan Avenue. [The property at 312 West El Roblar Drive has 235 feet of lot frontage on El Roblar Drive and Padre Juan Avenue. The total length of planned sidewalk construction, including the lot frontage on Padre Juan Avenue, is 800 feet. The project cost estimate is \$110,000.]

27. Traffic Impact Mitigation Fee

Page 5 of the Traffic Study by Associated Transportation Engineers dated March 4, 2010, provides that the project will generate 30 average daily traffic (ADT), 1 AM PHT, and 2 PM PHT. These shall be used as baseline for ADT and PHT generation for this project, so that any increases in PHT generation associated with future land use changes can be identified. Any increase in traffic from the base level established herein will be required to pay the applicable Traffic Impact Mitigation Fee (TIMF) at the time of increase and mitigate any

additional impacts that may occur to SR 33 Impact Area and other County roads in the area.

28. Traffic Impact Mitigation Fee – County of Ventura

To address the cumulative adverse impacts of traffic on the Regional Road Network, Ventura County TIMF Ordinance 4246 and GP Policy 4.2.2 require that the Transportation Department of the Public Works Agency collect a TIMF. Prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, and pursuant to the TIMF Ordinance, the permittee shall deposit with the Transportation Department a TIMF. Based on the permittee's information, the fee due the County would be:

$$30 \text{ ADT} \times \$8.54/\text{ADT} = \$256.20$$

The above fee may be subject to adjustment at the time of deposit, due to provisions in the TIMF Ordinance allowing the fee to be adjusted for inflation based on the Engineering News Record Construction Cost Index. If the project cumulative impacts are not mitigated by payment of a TIMF, current GP policy will require County opposition to this project.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

29. Traffic Impact Mitigation Fee – City of Ojai

Prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, and pursuant to the Reciprocal Traffic Mitigation Agreement between the City of Ojai and the County of Ventura, the permittee shall also deposit with the Transportation Department a TIMF on behalf of the City of Ojai, to be transferred to the City within 30 days. The fee due the City would be:

$$30 \text{ ADT} \times \$35.87/\text{ADT} = \$1,076.10$$

The above fees may be subject to adjustment at the time of deposit, due to provisions in the TIMF Ordinance allowing the fee to be adjusted for inflation based on the Engineering News Record Construction Cost Index. If the project cumulative impacts are not mitigated by payment of a TIMF, current GP policy will require County opposition to this project.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

30. Road Dedication – El Roblar Drive

El Roblar Drive has an existing right-of-way width of 40 feet along the project

parcel's frontage. The minimum required right-of-way width for El Roblar Drive is 53 feet per the current County Road Standards Plate B-5[A]. Therefore, prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, the Permittee shall make an irrevocable offer to dedicate to the County, six and one half feet of right-of-way (half of minimum street right-of-way required) along the project parcel's frontage on El Roblar Drive in accordance with the current County Road Standards Plate B-5[A]. The County will accept the offer to dedicate at such time as the right-of-way is needed by the County for the necessary improvements on El Roblar Drive. The permittee shall also submit the legal description describing the public right-of-way being dedicated as Exhibit "A" and the right-of-way dedication map as Exhibit "B" prepared by a Registered Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying. Further, the permittee shall submit to the PWA a County right-of-way-processing fee for the costs incurred in the processing of the dedication.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

31. Road/Sidewalk Improvements – El Roblar Drive

The pavement width on El Roblar Drive at the project frontage is 36 feet. The minimum required pavement width for El Roblar Drive is 40 feet, according to the County Road Standards B-5[A]. The Transportation Department will waive the road widening requirement due to physical constraints; however, the curb and gutter and sidewalk are still required.

- a. Therefore, prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, the permittee shall construct curb and gutter and sidewalk, along the project's frontage per Ventura County Road Standards Plate B-5[A]. Furthermore, the permittee shall submit to the PWA, for review and approval, road improvement plans prepared by a Registered Civil Engineer. Permittee shall also enter into an agreement with the County of Ventura to complete the improvements, and post sufficient surety guaranteeing the construction of the improvements as required.
- b. In lieu of the improvements on El Roblar Drive required in Condition No. 5.a. above, the Transportation Department would accept a proposal from the permittee/applicant to pay a pro rata share of the cost of the El Roblar Drive Sidewalks Project – Phase I (Project No. 50473). The lot frontage along El Roblar Drive would be included in the sidewalk project. Therefore, prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, the permittee/applicant shall deposit an agreed upon amount with the County.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

32. Road Dedication – Padre Juan Avenue

Padre Juan Avenue has an existing right-of-way width of 40 feet along the project parcel's frontage. The minimum required right-of-way width for Padre Juan Avenue is 49 feet per the current County Road Standards Plate B-5[B]. Therefore, prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, the Permittee shall make an irrevocable offer to dedicate to the County, four and one half feet of right-of-way (half of minimum street right-of-way required) along the project parcel's frontage on Padre Juan Avenue in accordance with the current County Road Standards Plate B-5[B]. The County will accept the offer to dedicate at such time as the right-of-way is needed by the County for the necessary improvements of Padre Juan Avenue. The permittee shall also submit the legal description describing the public right-of-way being dedicated as Exhibit "A" and the right-of-way dedication map as Exhibit "B" prepared by a Registered Licensed Surveyor or Registered Civil Engineer authorized to practice land surveying. Further, the permittee shall submit to the PWA a County right-of-way-processing fee for the costs incurred in the processing of the dedication.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

33. Road/Sidewalk Improvements – Padre Juan Avenue

The pavement width on Padre Juan Avenue at the project frontage is 24 feet. The minimum required pavement width for Padre Juan Avenue is 36 feet, according to the County Road Standards B-5[B].

- a. Therefore, prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, the permittee shall construct the road improvements, including the road widening, curb and gutter and sidewalk, along the project's frontage per Ventura County Road Standards Plate B-5[B]. Furthermore, the permittee shall submit to the PWA, for review and approval, road improvement plans prepared by a Registered Civil Engineer. Permittee shall also enter into an agreement with the County of Ventura to complete the improvements, and post sufficient surety guaranteeing the construction of the improvements as required.
- b. In lieu of the improvements on Padre Juan Avenue required in Condition No. 7.a. above, the Transportation Department would accept a proposal from the permittee/applicant to pay a pro rata share of the cost of the El Roblar Drive Sidewalks Project – Phase I (Project No. 50473) including the road widening. Improvements along Padre Juan Avenue would be included in the sidewalk project. Therefore, prior to issuance of a Zoning Clearance to initiate a new use or to increase an existing use, the permittee/applicant shall deposit an

agreed upon amount with the County.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

34. Encroachment Permit

Prior to any work conducted within the County right-of-way, the permittee shall obtain an encroachment permit from the Transportation Department.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

Integrated Waste Management Division (IWMD)

35. Waste Diversion and Recycling Requirement

Per Ventura County Ordinances 4308 and 4357, commercial customers are required to divert recyclable materials (e.g., plastic containers, soil, paper, cardboard, concrete, wood, metal, greenwaste) from the landfill. Both Ordinances may be reviewed at: www.wasteless.org/landfills/ordinance4357.

36. Collection and Loading Areas for Refuse and Recyclables

This project is subject to the County's *Space Allocation Guidelines*. These guidelines outline the requirements for collection and loading areas for refuse and recyclables referenced in Public Resources Code 42900-42901, the Solid Waste Reuse and Recycling Access Act of 1991. The *Space Allocation Guidelines* may be reviewed at: www.wasteless.org/spaceallocationguidelines. Contact the IWMD, at (805) 658-4315, for assistance in meeting this condition.

Note: This condition of approval was satisfied at the time CUP LU10-0039 was granted in 2011.

Fire Protection District

37. Address Numbers

Building address numbers, a minimum of ten inches (10") 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. Numbers shall be visible from the street.

38. Fire Extinguishers

Fire extinguishers shall be installed in accordance with the International Fire Code. The placement of extinguishers shall be subject to review by the Fire District.

39. Trash Dumpster Locations

Commercial trash dumpsters and containers with an individual capacity of 1.5 cubic yards or greater shall not be stored or placed within 5 feet of openings, combustible walls, or combustible roof eave lines unless protected by approved automatic fire sprinklers.

40. Fire Department Clearance

Applicant shall obtain VCFD Form #126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.