



Planning Director Staff Report – Hearing on July 9, 2015

County of Ventura • Resource Management Agency • Planning Division

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

American Tower Wireless Communications Facility Case No. PL15-0030

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a Conditional Use Permit (CUP) be granted to authorize the continued operation of an existing wireless communications facility and the installation of additional antennas. (Case No. PL15-0030)
2. **Applicant:** American Tower, 3500 Regency Parkway, Suite 100, Cary, NC 27518
3. **Property Owner:** Virginia Gunderson Trust et al, 1228 Woodland Drive, Santa Paula, CA 93060
4. **Applicant's Representative:** Channel Law Group, LLP / Mr. Jamie T. Hall, 8200 Wilshire Blvd., Suite 300, Beverly Hills, CA 90211
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (§ 8105-4 and § 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 160-acre property is located at 17802 S. Mountain Road, near the intersection of Lemon Lease Road and 12th Street, near the community of Santa Paula, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 107-0-090-035 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Open Space (Exhibit 2)
 - b. Zoning Designation: OS 160 ac (Open Space 160 acres minimum lot size) (Exhibit 2)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	OS 160 ac	Open Space
East	OS 160 ac	Open Space
South	OS 160 ac	Open Space
West	OS 160 ac	Open Space

- 9. History:** The project site is developed with existing oil and gas production facilities operated by California Resources Corporation (formerly Vintage Petroleum) and South Mountain Oil Company and authorized by CUP Nos. 133 and 150. The project site also includes several wireless communication facilities, operated by different carriers as listed in the following table.

Discretionary Permits for Communication Facilities

CUP No.	Carrier	Use
3628	KAAP FM	Radio Station
3784	Union Oil Company & Tosco Refining Company under CUP 4994	Radio Transmitter
4535	Verizon	Wireless Communications Facility
5286	Edison	Tower
LU04-0114 (Permit Adjustment to CUP 4535)	Verizon	Wireless Communications Facility
LU04-0121 (Permit Adjustment to CUP 4535)	Verizon	Wireless Communications Facility
LU09-0104 (Modification of CUP 4535)	Verizon	Wireless Communications Facility
PL13-0037 (Permit Adjustment to CUP 4535)	Verizon	Wireless Communications Facility
PL13-0168 (Permit Adjustment to CUP 4535)	Verizon	Wireless Communications Facility

- 10. Project Description:** The applicant requests that a Conditional Use Permit be granted to authorize the continued operation and maintenance of an existing wireless communications facility. This facility includes a 100-foot tall lattice tower. CUP No. 4424 authorized the construction and use of this lattice tower and expired in 2007. The wireless communication facility is located within the 2,921 square foot area leased by American Tower. Multiple commercial carriers are currently operating on the tower.

Existing equipment and structures associated with the proposed wireless communications facility includes:

- a 100-foot tall steel lattice tower.

- a 144-square foot equipment shelter.
- 39 omni antennas ranging in size from 4 to 20 feet in length. These antennas are located at various heights on the tower.
- Four yagi antennas ranging in size from 6-feet to 8-feet in length. These antennas are located at various heights on the tower.
- Ten dish antennas ranging in diameter from 2 to 6 feet. These antennas are located at various heights on the tower. Three dish antennas are located on the existing shelter.
- Forty-three miscellaneous antennas located at various heights on the tower.

Four new panel antennas operated by T-Mobile are proposed to be installed at points on the existing tower that are 73 feet and 90 feet above ground level. These antennas would be 3 feet wide and 8 feet long. The panel antennas will be painted to match the existing tower. In addition, one Metro PCS microwave dish antenna is proposed to be installed at a point 73 feet above ground level.

No grading is proposed. No water will be required to operate the facility. Access to the lease area will be provided by an existing dirt road leading to the nearby oilfield area. This area is accessed by existing private roads connected to South Mountain Road. (Exhibit 3).

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

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

The applicant proposes to continue the use of the existing wireless communication facility and install 4 new antennas and one microwave dish on the existing tower. The proposed project is eligible for a Categorical Exemption pursuant to §15301 (Existing Facilities) and §15303 (Construction or Conversion of Small Structures) of the CEQA Guidelines based on the limited nature of the proposed project. The site will continue to be developed with the lattice tower and other existing wireless communication facilities. Based on the above discussion, staff recommends that the decision maker find the project to be Categorical Exempt from environmental review pursuant to Sections 15301 and 15303 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan *Goals, Policies and Programs* (2015, page 4) states:

...in the unincorporated area of Ventura County, zoning and any permits issued thereunder, any subdivision of land, any public works project, any public (County, Special District, or Local Government) land acquisition or disposition, and any specific plan, must be consistent with the Ventura County General Plan Goals, Policies and Programs, and where applicable, the adopted Area Plan.

Furthermore, the Ventura County NCZO (§ 8111-1.2.1.1.a) states that in order to be approved, a CUP 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. Ventura County General Plan Goals Policies and Programs Resources Policy

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

As discussed in Section B (above), the project's individual impacts and contribution to cumulative impacts on resources have been evaluated in compliance with CEQA.

Based on the above discussion, the proposed project is consistent with Policy 1.1.2-1.

2. Ventura County General Plan Goals Policies and Programs Water Resources

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

Ventura County General Plan Goals Policies and Programs Water Resources

Policy 1.3.2-4: *Discretionary development shall not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.*

The proposed project consists of the continued operation and maintenance of an existing wireless communications facility and the installation of additional antennas on an existing lattice tower. Water is not required to operate and maintain the site. There will be no change in the area of impervious surfaces. Thus, there would be no impacts on the quality or quantity of water resources.

Based on the above discussion, the proposed project is consistent with the Policies discussed above.

- 3. Ventura County General Plan Goals, Policies and Programs Mineral Resource Protection Policy 1.4.2-6:** *All General Plan amendments, zone changes, and discretionary developments shall be evaluated for their individual and cumulative impacts on access to and extraction of recognized mineral resources, in compliance with the California Environmental Quality Act.*

Active oil and gas operations (as authorized by CUP No. 133 and CUP No. 150) are located in the vicinity of the proposed wireless communications lease area. Although the nearest oil and gas extraction site is located 64 feet from the existing and proposed lease area, the proposed project is not expected to impact the oil and gas operation. No new development is proposed to occur outside the existing wireless communications lease area. Thus, the proposed facility will not preclude access to petroleum resources or adversely affect the ongoing oil field operations.

Based on the discussion above, the proposed project is consistent with Policy 1.4.2.6.

- 4. Ventura County General Plan Goals, Policies and Programs Scenic Resources Policy 1.7.2-1:** *Notwithstanding Policy 1.7.2-2, discretionary development which would significantly degrade visual resources or significantly alter or obscure public views of visual resources shall be prohibited unless no feasible mitigation measures are available and the decision-making body determines there are overriding considerations.*

The project site is located on a ridgeline south of the City of Santa Paula. The project lease area is not located in a scenic resource protection overlay zone. However the communications facility (i.e. the lattice tower) is partially visible from public viewing locations in the Santa Paula area and along State Route 126. This facility is not prominently visible, however, because the public viewing areas are several miles from the facility. The proposed panel antennas and microwave dish will be a light grey color in order to visually blend in with the setting. The existing lattice tower, microwave dishes and antennas will continue to be constructed of an anodized steel material. (Exhibit 4, Condition 18.a). This design minimizes the visibility of the pole when viewed against the sky. The proposed changes in the existing facility would not substantially alter existing public views of visual resources.

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

- 5. Ventura County General Plan Goals Policies and Programs Paleontological and Cultural Resources Policy 1.8.2-1:** *Discretionary developments shall be*

assessed for potential paleontological and cultural resource impacts, except when exempt from such requirements by CEQA. Such assessments shall be incorporated into a Countywide paleontological and cultural resource data base.

The project site is located about 640 feet south of an area identified as having a high likelihood for the presence of paleontological resources. The proposed project involves the use of the existing lattice tower and the placement of equipment on previously-disturbed land in the existing lease area. Based on the location of the existing communication facility and the limited development proposed with this project, no impacts on paleontological resources are anticipated.

No cultural resources have been identified on or near the project site as reflected in the County of Ventura Planning GIS Maps. Thus, impacts to cultural resources would not occur as a result of the proposed project.

Based on the discussion above, the proposed project is consistent with Policy 1.8.2-1.

6. Ventura County General Plan Goals, Policies and Programs Energy Resources
Policy 1.9.2-1: *Discretionary development shall be evaluated for impact to energy resources and utilization of energy conservation techniques.*

The proposed wireless communications facility would not involve a substantial increase in energy demand. All new construction would be required to meet the Building Code standards for energy efficiency. In any case, the amount of energy consumed by the proposed facility would have no effect on regional energy resources or generating stations.

Based on the above discussion, the proposed project will be consistent with Policy 1.9.2-1.

7. Ventura County General Plan Goals, Policies and Programs Fire Hazards
Policy 2.13.2-1: *All applicants for discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.*

Ventura County General Plan Goals, Policies and Programs Fire Hazards
Policy 2.13.2-3: *All discretionary permits in fire hazard areas shall be conditioned to include fire-resistant vegetation, cleared firebreaks, or a long-term comprehensive fuel management program as a condition of approval. Fire hazard reduction measures shall be incorporated into the design of any project in a fire hazard area.*

Ventura County General Plan Goals, Policies and Programs Fire Protection Policy 4.8.2-1: *Discretionary development shall be permitted only if adequate water supply, access and response time for fire protection can be made available.*

Ventura County General Plan Goals, Policies and Programs Fire Protection Policy 4.8.2-2: *Fire stations shall be sited in locations central to the area served and on or near arterial highways so as to minimize call response time.*

The Ventura County Fire Protection District (VCFPD) has determined that adequate access is available to the project site. In addition, the wireless communications facility does not require water for fire suppression.

Although the Fire Station No. 26 is located about 5.8 miles west of the project site, the VCFPD has determined that access and response time is adequate. The project site is outside of an urbanized area and response time does not exceed 30 minutes.

The project site is located in a high fire hazard area. Therefore, the VCFPD will require that the applicant shall have all grass or brush adjacent to antennas and equipment enclosures cleared for a distance of 30 feet or to the property line if less than 30 feet. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the project (Exhibit 4, Condition No. 24). The fire clearing requirements are currently in effect for this existing facility. With the implementation of this condition, adequate firebreaks are assured.

Based on the above discussion, the proposed project will be consistent with the Policies discussed above.

- 8. Ventura County General Plan Goals, Policies and Programs Hazardous Material and Waste Policy 2.15.2-2:** *Site plans for discretionary development that will generate hazardous wastes or utilize hazardous materials shall include details on hazardous waste reduction, recycling and storage.*

The Ventura County Environmental Health Division reviewed the proposed project in regards to the storage of hazardous materials. The Environmental Health Division has required the applicant to store, handle and dispose of any hazardous material in compliance with state law (Exhibit 4, Condition No. 21).

Based on the above discussion, the proposed project will be consistent with Policy 2.15.2-2.

- 9. Ventura County General Plan Goals, Policies and Programs Noise Policy 2.16.2-1:** *All discretionary development shall be reviewed for noise compatibility with surrounding uses. Noise compatibility shall be determined from a consistent set of criteria based on the standards listed below. An acoustical analysis by a qualified*

acoustical engineer shall be required of discretionary developments involving noise exposure or noise generation in excess of the established standards. The analysis shall provide documentation of existing and projected noise levels at on-site and off-site receptors, and shall recommend noise control measures for mitigating adverse impacts. (1) Noise sensitive uses proposed to be located near highways, truck routes, heavy industrial activities and other relatively continuous noise sources shall incorporate noise control measures so that:

- a. Indoor noise levels in habitable rooms do not exceed CNEL 45.*
- b. Outdoor noise levels do not exceed CNEL 60 or Leq1H of 65 dB(A) during any hour.*

(4) Noise generators, proposed to be located near any noise sensitive use, shall incorporate noise control measures so that ongoing outdoor noise levels received by the noise sensitive receptor, measured at the exterior wall of the building, does not exceed any of the following standards:

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

Section 2.16.2(4) is not applicable to increased traffic noise along any of the roads identified within the 2020 Regional Roadway Network (Figure 4.2.3) Public Facilities Appendix of the Ventura County General Plan (see 2.16.2-1(1)). In addition, State and Federal highways, all railroad line operations, aircraft in flight, and public utility facilities are noise generators having Federal and State regulations that preempt local regulations.

The nearest sensitive receptors are existing single family dwellings located more than one mile from the proposed facility lease area. The facility is expected to produce minimal electronic noise with the operation of the proposed electrical equipment located in the existing shelter. Thus, noise will not be discernable at the nearest residence or exceed County noise standards.

During the construction phase of the proposed project, noise is expected to be produced. However, the construction phase will be temporary in nature, lasting approximately 60 days. Residential uses are located more than one mile from the proposed project area. In addition, the proposed use is in character with the similar industrial uses that exist within the surrounding oilfield. Therefore, the noise levels

generated by the project would be similar to the existing ambient noise. The noise that is generated from the proposed facility will not exceed the standards for noise in General Plan Policy 2.16 as measured at the nearest sensitive receptor.

Based on the above discussion, the proposed project will be consistent with Policy 2.16.2-1.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County NCZO (§ 8105-4), the proposed use is allowed in the OS 160 ac zone district with the granting of a CUP. Upon the granting of the CUP, the Permittee will be in compliance with this requirement.

The proposed project includes the construction and use of buildings and structures that are subject to the development standards of the Ventura County NCZO (§ 8106-1.1) Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 1 – Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	160 acres	Yes
Maximum Percentage of Building Coverage	5%	Yes
Front Setback	20 feet	Yes
Side Setback	10 feet	Yes
Rear Setback	15 feet	Yes
Maximum Building Height	70 feet	Yes. Per §8106-7.4 of the NCZO, which states that if an accessory structure is set back 20 feet from all property lines, it may exceed 15 feet in height, but it shall not exceed the maximum allowed height of the principal structure unless a discretionary permit is issued pursuant to Article 5.

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to § 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 [§ 8111-1.2.1.1.a].**

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

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

The existing facility consists of a 100-foot lattice tower with antennas and microwave dish antennas located at various points on the tower. Although the facility would be remotely visible from Santa Paula and State Route 126, the proposed panel antennas and microwave dish will be painted a light grey color in order to visually blend in with the existing metal tower. The gray color and texture of this steel minimizes the visibility of the pole when viewed against the sky. No new effect on public views would result from the proposed project.

The nearest single family dwelling to the site is located more than one mile from the proposed facility lease area. Given this distance, the topography of the area, the design of the facility, the level of existing utility development on the site, and the minimal changes proposed, the facility will continue to be compatible with the surrounding development.

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 [§ 8111-1.2.1.1.c].**

The proposed project involves the continued operation of an existing wireless communication facility. This facility would not include the storage of hazardous materials. No obnoxious or harmful adverse effects on neighboring properties or uses have been identified that would result from the proposed project. Additionally, the applicant will be required (Exhibit 4, Condition Nos. 14 & 15) to include a contact person for the timely resolution of complaints.

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

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

The proposed wireless communications facility is designed to visually blend in with the existing landscape. Although the proposed wireless communications facility use would generate some noise, the noise would be minor and not discernible from the nearest sensitive receptor. No hazardous materials will be generated or stored on the site. No aspect of this facility has been identified that would be detrimental to the public health, safety or welfare.

Based on the above discussion, 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 [§ 8111-1.2.1.1.e].

The existing facility consists of a 100-foot lattice tower with antennas and microwave dish antennas located at various points on the tower. Although the facility would be remotely visible from Santa Paula and State Route 126, the proposed panel antennas and microwave dish will be painted a light grey color in order to visually blend in with the existing metal tower. The gray color and texture of this steel minimizes the visibility of the pole when viewed against the sky. No new effect on public views would result from the proposed project. No aspect of this facility has been identified that would be detrimental to the public health, safety or welfare.

The project site is located on the top of South Mountain in a sparsely populated area characterized by rolling hills and open space. Only minor private roadways, largely unpaved, exist in this area and serve primarily as access to existing oil fields. Given the character of this area, the existing Open Space zoning of the project site and vicinity is not anticipated to change in the foreseeable future.

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

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

The project site is located on a legal lot based on a May 2, 1997 Preliminary Legal Lot determination prepared by the County of Ventura Planning Division.

The lot was legally created by conveyance (Letter of Patent recorded November 10, 1910 in Book 4, Page 187 of Patents), prior to regulation by the Subdivision Map Act or local subdivision ordinance.

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 (§ 65091), and Ventura County NCZO (§ 8111-3.1). The Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located and placed a legal ad in the *Ventura County Star*. As of the date of this document, no public comments were received regarding the proposed project.

H. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Sections 15301 and 15303 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 No. PL15-0030, subject to the conditions of approval (Exhibit 4).
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 Kristina Boero at (805) 654-2467 or kristina.boero@ventura.org.

Prepared by:



Kristina Boero, Case Planner
Commercial & Industrial Permits Section
Ventura County Planning Division

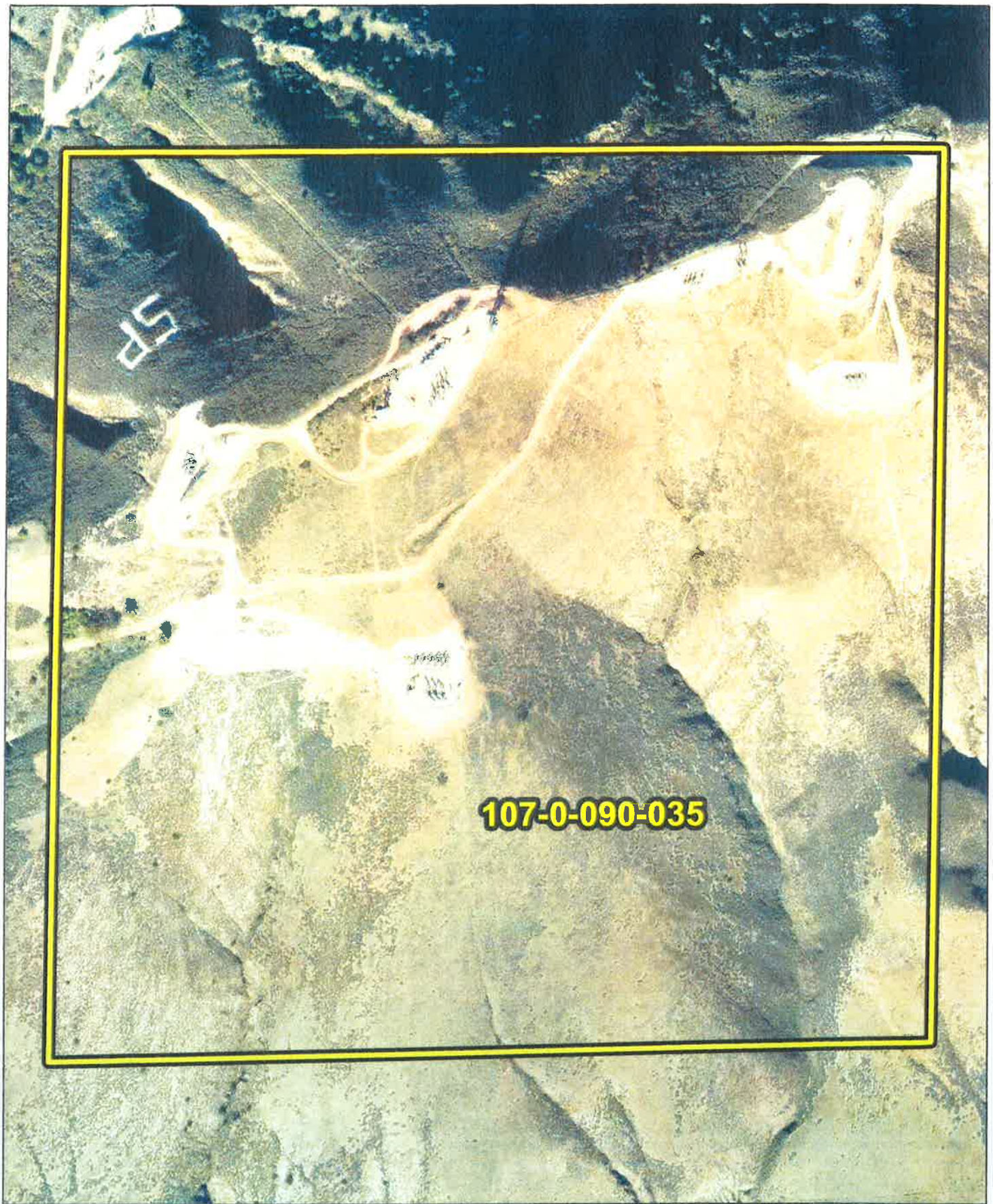
Reviewed by:



Brian R. Baca, Manager
Commercial & Industrial Permits Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 - Aerial Location, General Plan and Zoning Designations, and Land Use Maps
- Exhibit 3 - Site Plans
- Exhibit 4 - Conditions of Approval



Ventura County
Resource Map
Information
Map are
source: Photo



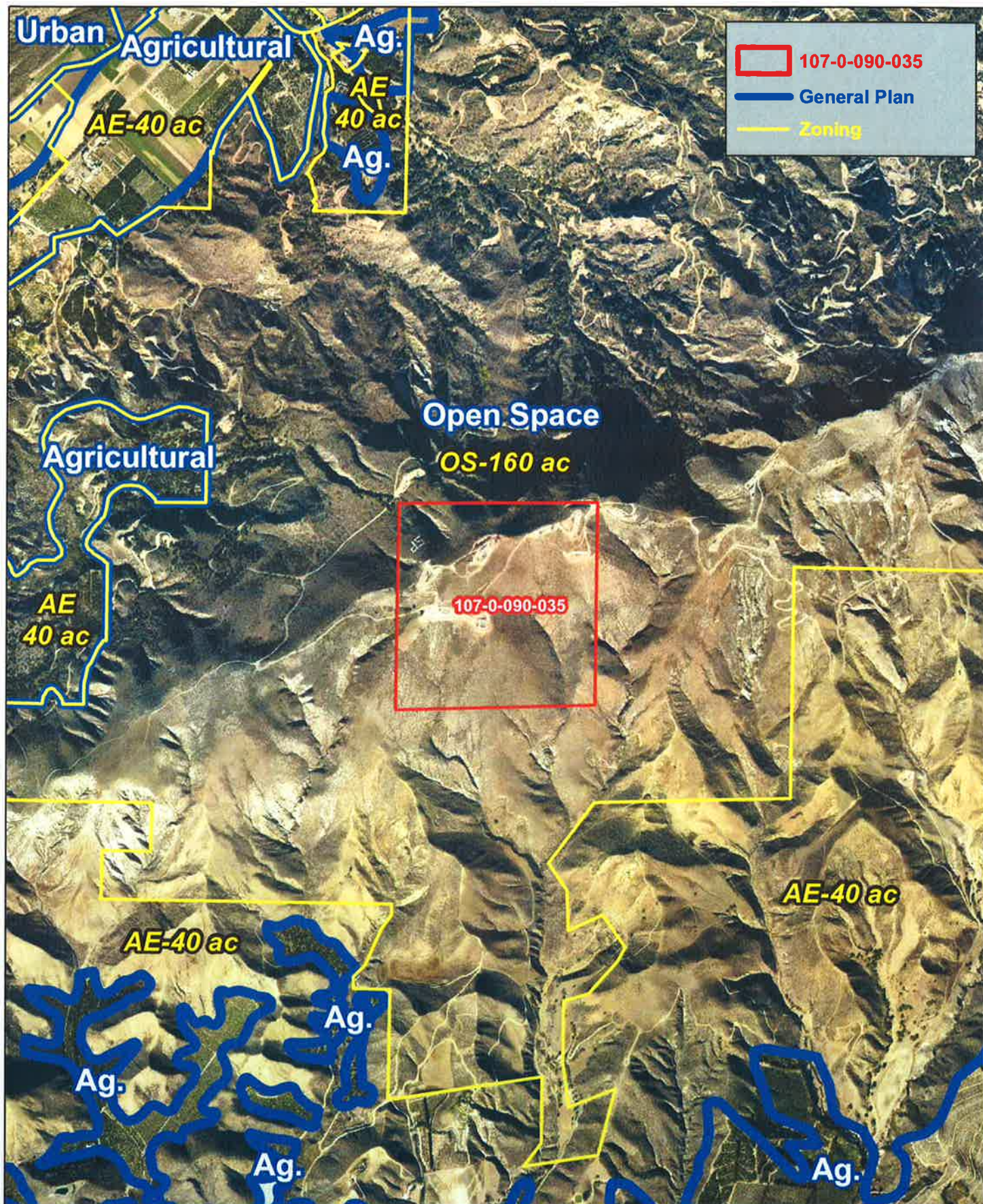
County of Ventura
Planning Director Hearing
July 9, 2015

0 150 300 600 Feet



County Resource
which is designed
County and related
accuracy of this
loss or physical

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



Ventura County
Resource Management Agency
Information Systems GIS Services
Map created on 06/17/2015
Source: Pictometry®, February 2015

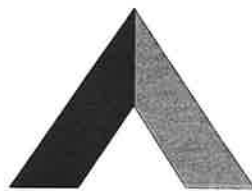
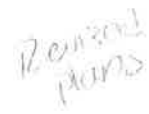


County of Ventura
Planning Director Hearing
PL15-0030
Land Use Aerial Map

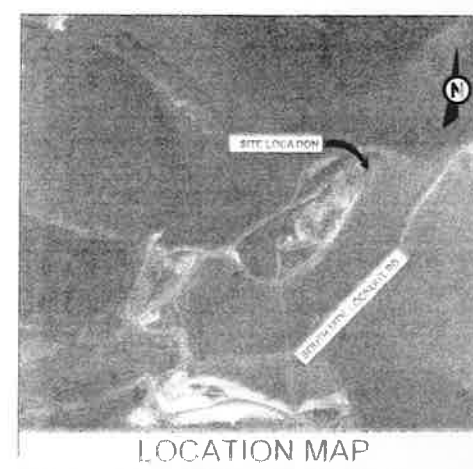
0 500 1,000 2,000 Feet

Disclaimer: this map was created by the Ventura County Resource Management Agency Information Systems, 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.





SITE NAME: SOUTH MTN #1 CA
SITE NUMBER: 8023
SITE ADDRESS: 17800 SOUTH MTN RD
SANTA PAULA, CA

[illegible]

REF ID	ENCLOSURE NAME	REV	DATE
1	ENCLOSURE 1	001	01/01/01
2	ENCLOSURE 2	002	01/01/01
3	ENCLOSURE 3	003	01/01/01
4	ENCLOSURE 4	004	01/01/01
5	ENCLOSURE 5	005	01/01/01
6	ENCLOSURE 6	006	01/01/01
7	ENCLOSURE 7	007	01/01/01
8	ENCLOSURE 8	008	01/01/01
9	ENCLOSURE 9	009	01/01/01
10	ENCLOSURE 10	010	01/01/01

8023
SOUTH MOUNTAIN #1 CA

SINCE THE
BANK OF AMERICA
IS A MEMBER

SEAM	1. <i>Seamless</i> (adj.) 2. <i>Seamstress</i> (n.) 3. <i>Seamster</i> (n.)
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Apr 14 2015 4:00 PM

DRAWN BY:	SLA
APPROVED BY:	ICR
DATE DRAWN:	02-10-17
ATC JOB NO:	885845

TITLE SHEET

SHEET NUMBER	REVISION
T-1	0

Planning Director Hearing
July 9, 2015
Exhibit 3 - Site Plans

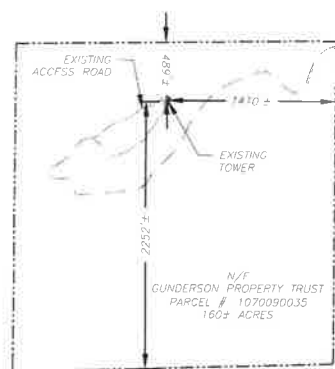


Know what's below.
Call before you dig.

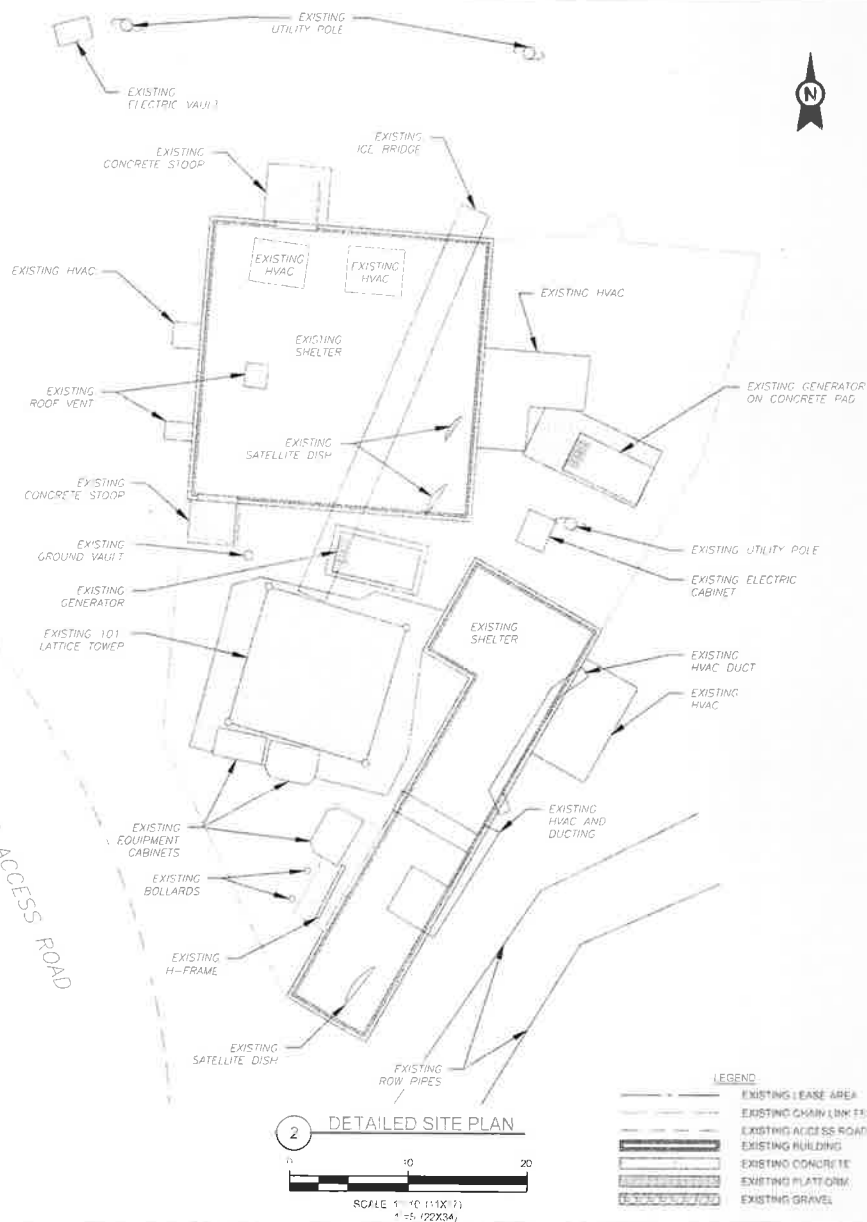
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COMMON INFORMATION		
OWNER'S FULL NAME(S)		
1400 AREA	REQUIRED	EXISTING
66X4 HEIGHT	N/A	N/A
44IN FRONT	N/A	102 FT 6 IN
44IN DEPTH	N/A	N/A
MIN FRONT YARD SETBACK	N/A	N/A
MIN SIDE YARD SETBACK	20 FT	41 FT 6 IN
MIN REAR YARD SETBACK	14 FT	25 FT 6 IN
NO CHANGE TO EXISTING		

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 2. JOURNAL OF THE
 3. JOURNAL OF THE
 4. JOURNAL OF THE
 5. JOURNAL OF THE



OVERALL SITE PLAN



REV	DESCRIPTION	BY	DATE
0	DUE RENEWAL	JW/JP	Feb 19 2011

8023
SOUTH MOUNTAIN #1 CA

SITE ADDRESS
17600 SOUTH MEND RD
SANTA PAULA, CA

SEAI
Reviewed by
William Garrett, PE
Chief Engineer



Apr 14 2015 4:00 PM

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APPROVED BY	KRF
DATE DRAWN	04/24/95
ATC JOB NO.	00000000

SITE PLAN

SHEET NUMBER

REVISION

Z-1

0



PROPOSED T-MOBILE

PROPOSED T-MOBILE E...

1

NOT TO SCALE

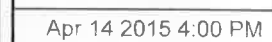
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♦ ABANDONED EQUIPMENT

[illegible][illegible]

ATC SITE NUMBER
8023
ATC SITE NAME
SOUTH MOUNTAIN #1 CA

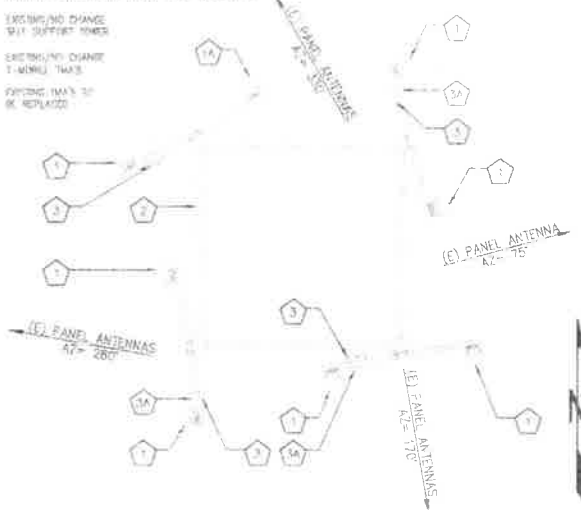
Reviewed by
William Garrett, CE
Chief Engineer



TOWER ELEVATION

EXISTING ANTENNA PLAN KEYNOTES

- 1 EXISTING/NO CHANGE T-MOBILE PANEL ANTENNAS MOUNTED TO EXISTING SELF SUPPORT TOWER
- 1A EXISTING T-MOBILE PANEL ANTENNA MOUNTED TO EXISTING SELF SUPPORT TOWER TO BE DISMOUNTED. VERIFY NO TRAFFIC IS BEING MOUNTED ON ANTENNA PRIOR TO REMOVAL
- 2 EXISTING/NO CHANGE SELF SUPPORT TOWER
- 3 EXISTING/NO CHANGE T-MOBILE TOWER
- 3A EXISTING TOWER TO BE REPLACED



1 EXISTING ANTENNA PLAN
NOT TO SCALE

REMOTE RADIO UNIT- RRUS11 B12

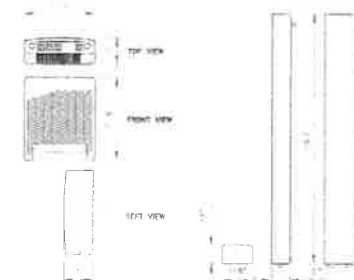
REMOTE RADIO UNIT (RRU)
TYPE: RRUS11 B12
MOUNT

LIGHT GRAY
20x15x10 IN
20.7 LBS

PANEL ANTENNA SPECIFICATIONS

ANTENNA COLOR: LIGHT GRAY
DIMENSIONS (HxWxD): 20x15x10 IN
WEIGHT: 20.7 LBS

WIND LOAD (PSF): 15
CONNECTOR: 2 x 1/2 IN DIA THUMB LONE WOOD (BOTTOM MOUNTED)



NOTE: PAINT TO MATCH EXISTING AS REQUIRED.

3 RRU & PANEL ANTENNA DETAIL
NOT TO SCALE

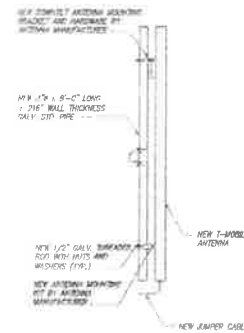
PROPOSED ANTENNA PLAN KEYNOTES

- 1 EXISTING/NO CHANGE T-MOBILE PANEL ANTENNAS MOUNTED TO EXISTING SELF SUPPORT TOWER
- 1A NEW T-MOBILE PANEL ANTENNAS MOUNTED TO EXISTING SELF SUPPORT TOWER. PAINT TO MATCH EXISTING
- 2 EXISTING/NO CHANGE SELF SUPPORT TOWER
- 3 EXISTING/NO CHANGE T-MOBILE TOWER
- 3A NEW T-MOBILE TOWER TO BE REPLACED EXISTING

*** INSTALL SITE PRO 1 STK-U STIFF ARM KIT ON EACH SECTOR FRAME



2 PROPOSED ANTENNA PLAN
NOT TO SCALE



NOTE: PAINT FRAME OF MOUNT TO MATCH EXISTING LINE WHERE APPLICABLE.

4 ANTENNA MOUNTING DETAIL
NOT TO SCALE

AMERICAN TOWER
ATC TOWER SERVICES
1000 REGENCY PARKWAY
SUITE 100
CARY, NC 27518
PHONE: (919) 461-0112

RFU	DESCRIPTION	BY	DATE
1	FOR RENEWAL	JMA	04/14/15
2			
3			
4			

ATC SITE NUMBER:
8023
ATC SITE NAME:
SOUTH MOUNTAIN #1 CA
SITE ADDRESS:
1700 SOUTH MOUNTAIN RD
SANTA ANA, CA

SEAL
Reviewed by:
William Garrett, P.E.
Chief Engineer

Apr 14 2015 4:00 PM

DRAWN BY: JMA
APPROVED BY: KRF
DATE DRAWN: 04/14/15
ATC JOB NO: 105855K1

T-MOBILE ANTENNA
DETAILS

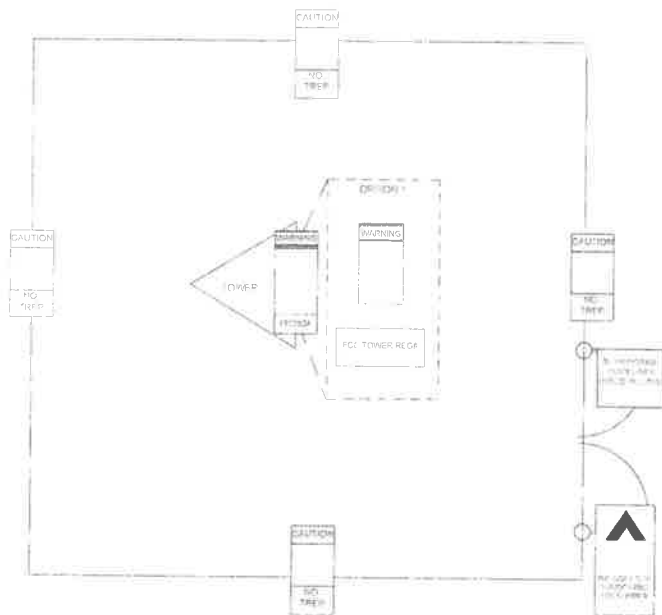
SHEET NUMBER	REVISION
Z-3	0



In accordance with Federal Communications Commission rules on radio frequency interference 47 CFR 1.1307(b):

ATE CAUTION AND NO TRESPASSING SIGN

A "NO TRESPASSING" SIGN MUST BE POSTED AT A MINIMUM OF EVERY 50



b) accordance with Federal Communications Commission rules on radio frequency emissions, 47 CFR 1.1307(b)

ATC RF WARNING AND FCC NUMBER SHOWN

Posting of sign required by law

A1C STAND-ALONE FCC TOWER REGISTRATION SIGN



EXISTING SIGNAGE PHOTO

ONLY LABELS PRINTED BY A ZEBRA LABEL
PRINTER WILL BE ACCEPTED



- ⚡ All personnel should have electromagnetic energy (EME) awareness training.
- ⚡ All personnel entering this site must be authorized.
- ⚡ Obey all posted signs.
- ⚡ Assume all antennas are active.
- ⚡ Before working on antennas, notify owners and disable appropriate transmitters.
- ⚡ Maintain minimum 3 feet clearance from all antennas.
- ⚡ Do not stop in front of antennas.
- ⚡ Use personal RF monitors while working near antennas.
- ⚡ Never operate transmitters without shields during normal operation.
- ⚡ Do not operate base station antennas in equipment room.

ATC RE PROGRAM NOTICE SIGN



AMERICAN TOWER

SITE NAME : SOUTH MTN #1
SITE NUMBER : 8023
FCC REGISTRATION # : 1054737

FOR LEASING INFORMATION: FOR EMERGENCIES CALL

877-282-7483
877-ATC-SITE

NO TRESPASSING

www.american tower.com

POSTING OF THIS SIGNAGE REQUIRED BY LAW

ATC SITE SIGN

REPLACEMENT OF SIGNAGE

AS SIGNAGE BECOMES STOLEN, DAMAGED, BRITTLE OR FADED, IT SHOULD BE REPLACED WITH SIGNAGE PER THIS SPECIFICATION. ANY ACQUIRED SITE SHOULD HAVE NEW SIGNS POSTED WITHIN 60 DAYS UNLESS OTHERWISE SPECIFIED. ANY SITE SOLD SHOULD HAVE THE ATC SIGNS REMOVED WITHIN 30 DAYS UNLESS OTHERWISE SPECIFIED. ALL FCC OR REGULATORY SIGNAGE MUST BE INSTALLED OR REPLACED AS REQUIRED TO MEET OUR STANDARD. SIGNS SHOULD BE REPLACED ON NORMAL, QUARTERLY MAINTENANCE VISITS BY CONTRACTORS OR SITE MANAGERS UNLESS OTHERWISE REQUIRED ON A CASE-BY-CASE BASIS.

NOTE

EXTERIOR SIGNS ARE NOT PROPOSED EXCEPT AS REQUIRED BY THE
FCC. ALL EXISTING SIGNAGE AND ANY FUTURE SIGNAGE WILL BE
COMPLIANT WITH STATUTE 164-43 & NO HIGH-VOLTAGE SIGNAGE IS
NECESSARY. NO HIGH-VOLTAGE EQUIPMENT PRESENT



REV	DESCRIPTION	BY	DATE
1	COP REM WAL	JMA	6/24/01

ATC SITE NUMBER:
8023
ATC SITE NAME:
SOUTH MOUNTAIN #1 CA

STE ADRIANO
1700 SOUTH MTN
SANTA ANA, CA

Reviewed by
William Garrett, P.E.
Chief Engineer



Apr 14 2015 4:01 PM

DRAWN BY	JMA
APPROVED BY	KRF
DATE DRAWN	04/14/15
ATC JOB NO	00000000

SIGNAGE

SHEET NUMBER	REVISION
Z-5	0

EXHIBIT 4- DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) NO. PL15-0030

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division (PL) Conditions

1. Project Description

This 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 marked exhibits 2 to 4, dated July 9, 2015, and conditions of approval set forth below. Together, these documents describe the Project. Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the original approval. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) constitutes a violation of the conditions of this permit.

The project description is as follows:

This permit is granted to authorize the continued operation and maintenance of an existing wireless communications facility. This facility includes a 100-foot tall lattice tower. CUP No. 4424 authorized the construction and use of this lattice tower and expired in 2007. The wireless communication facility is located within the 2,921 square foot area leased by American Tower. Multiple commercial carriers are currently operating on the tower.

Existing equipment and structures associated with the proposed wireless communications facility includes:

- a 100-foot tall steel lattice tower.
- a 144-square foot equipment shelter.
- 39 omni antennas ranging in size from 4 to 20 feet in length. These antennas are located at various heights on the tower.
- Four yagi antennas ranging in size from 6-feet to 8-feet in length. These antennas are located at various heights on the tower.
- Ten dish antennas ranging in diameter from 2 to 6 feet. These antennas are located at various heights on the tower. Three dish antennas are located on the existing shelter.
- Forty-three miscellaneous antennas located at various heights on the tower.

Four new panel antennas operated by T-Mobile are proposed to be installed at points on the existing tower that are 73 feet and 90 feet above ground level. These antennas would

be 3 feet wide and 8 feet long. The panel antennas will be painted to match the existing tower. In addition, one Metro PCS microwave dish antenna is proposed to be installed at a point 73 feet above ground level.

No grading is proposed. No water will be required to operate the facility. Access to the lease area will be provided by an existing dirt road leading to the nearby oilfield area. This area is accessed by existing private roads connected to South Mountain Road.

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. (PL-1)

2. CUP Modification

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

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time. (PL-5)

3. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for construction from the Planning Division, and a Building Permit from the Building and Safety Division. Prior to any grading, the Permittee shall obtain a Grading Permit from the Public Works Agency. (PL-6)

4. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (2011, Article 14), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;

- b. Suspension of the permitted land uses (Condition No. 1);
- c. Modification of the 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. (PL-7)

5. 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/construction 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/construction within one year from the granting or approval of this CUP per *Ventura County Non-Coastal Zoning Ordinance* (2011, § 8111-4.7). The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration/construction if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.
- iii. Prior to the issuance of the Zoning Clearance for use inauguration/construction, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for 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 [insert date 10 years from approval date]. 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 [expiration date]; 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.

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

Purpose: To ensure compliance with and notification of federal, state, or local government regulatory agencies that have requirements that pertain to the project (Condition No. 1, above) that is the subject of this CUP.

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

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

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for construction or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division maintains the documentation provided by the Permittee in the respective project file. In the event that the federal, state, or local government regulatory agency prepares new documentation due to changes in the project or the other agency's requirements, the Permittee shall submit the new documentation within 30 days of receipt of the documentation from the other agency. (PL-9)

7. 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 present to the Planning Division copies of the conditions, upon the Planning Division's request.

Timing: Prior to issuance of a Zoning Clearance for construction 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*. (PL-10)

8. Recorded Notice of Land Use Entitlement

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

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

Documentation: Recorded Notice of Land Use Entitlement.

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

Monitoring and Reporting: The Permittee shall return a copy of the recorded Notice of Land Use Entitlement to the Planning Division for the project file. (PL-11)

9. 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 9.b. Specifically, the Permittee shall bear the full costs of the following:
 - i. condition compliance costs which include, but are not limited to, staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
 - ii. monitoring and enforcement costs required by the *Ventura County Non-Coastal Zoning Ordinance (2011, § 8114-3)*. The Permittee, or the Permittee's successors-in-interest, shall bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections (which may include weekday and/or weekend inspections), public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The

Permittee shall be billed for said costs and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§ 8114-3.4).

- b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or the Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:
 - i. a payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs incurred for Condition Compliance review (Condition 9.a, above), monitoring and enforcement (Condition 9.c, below). The \$500.00 deposit may be modified to a higher amount by mutual agreement between the Permittee and the Planning Director; and,
 - ii. a signed and fully executed County RMA reimbursement agreement, which is subject to the Permittee's right to challenge any charges obligating the Permittee to pay all Condition Compliance review, monitoring, and enforcement costs.
- c. Monitoring and Enforcement Costs: The \$500.00 deposit and reimbursement agreement (Condition 9.b, above) are required to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. All permits issued by the Planning Division may be reviewed and the sites inspected no less than once every three years, unless the terms of the permit require more frequent inspections. These funds shall cover costs for any regular compliance inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.
- d. Billing Process: The Permittee shall pay any written invoices from the Planning Division within 30 days of receipt of the request. Failure to pay the invoice shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge prior to payment. (PL-12)

10. 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 9(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; 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.

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. (PL-13)

11. 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. (PL-14)

12. 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. 12 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense. (PL-15)

13. Relationship of CUP Conditions, Laws and Other Permits

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

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

A business tax certificate and regulatory licenses shall be obtained for operation of the wireless communication facility. (PL-16)

14. 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.

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*. (PL-17)

15. Resolution of Complaints

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

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

16. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents within the CUP area.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the CUP area.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and, the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the CUP file. (PL-19)

17. 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*. (PL-20)

18. Color/Material/Manufacture Specifications

Purpose: To comply with the *Ventura County General Plan* Scenic Resources Policies 1.7.2-1 through 1.7.2-4 and to ensure that the communication facility is constructed as illustrated on the approved plans and photo simulations.

Requirement: The Permittee shall:

- a. construct and maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints). The proposed panel antennas and microwave dish shall be painted a light grey color in order to visually blend in with the setting. The existing antennas and microwave dishes shall continue to be painted a light grey color in order to visually blend in with the setting. The existing lattice tower shall continue to be constructed of an anodized steel material.

- b. provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans; and,
- c. construct and maintain the site in compliance with the approved plans and photo-simulations; and
- d. provide photos to the Planning Division to verify that the facility is constructed as approved.

Documentation: The Permittee shall provide plans, photo simulations, and a materials sample/color board to the Planning Division. Prior to final inspection of the communication facility the Permittee shall provide photographs demonstrating that the facility was treated as approved.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall provide the colors and materials of all buildings and structures on building plans for review and approval by the Planning Division. Prior to the issuance of a Zoning Clearance for construction, the Permittee shall provide the materials sample/color board that illustrates the proposed colors for review and approval by the Planning Division. Prior to final inspection, the Permittee shall paint and treat the approved structures according to the approved plans.

Monitoring and Reporting: The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the project file. The Permittee shall provide photos of the constructed facility to the Planning Division to verify that the facility is constructed as approved prior to final inspection. The Planning Division maintains the photo documentation provided by the Permittee in the project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-89)

19. Removal of Facility upon Abandonment of Use or Expiration of Permit

Purpose: In compliance with § 8111-2.8 and § 8111-8.1 of the *Ventura County Non-Coastal Zoning Ordinance* and in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned.

Requirement: Upon the expiration of this CUP, or abandonment of the use, the Permittee shall:

- a) notify the County that the Permittee has discontinued the use of the facility;
- b) remove the facility and all appurtenant structures; and,
- c) restore the premises to the conditions existing prior to the issuance of the permit, to the extent feasible, as determined by the Planning Director.

In the event that the Permittee fails to perform the required actions, the Property Owner shall be responsible for compliance with the requirements set forth in this condition.

The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

Documentation: The Permittee shall provide photos of the site after restoration is completed, to the County Planning Division.

Timing: The Permittee shall complete the notification, removal, and restoration activities within 60 days of the expiration of this CUP, or abandonment of the use, unless the Planning Director grants (in writing) additional time.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*. (PL-90)

20. Future Collocation of Wireless Telecommunication Facilities and Equipment

Purpose: To reduce the number of communication facilities and minimize the potential environmental impacts associated with such facilities.

Requirement: The Permittee shall avail its facility and site to other telecommunication carriers and, in good faith, accommodate all reasonable requests for collocation in the future subject to the following parameters:

- a. the party seeking the collocation shall be responsible for all facility modifications, environmental review, mitigation measures, associated costs, and permit processing;
- b. the Permittee shall not be required to compromise the operational effectiveness of its facility or place its prior approval at risk;
- c. the Permittee shall make its facilities and site available for collocation on a non-discriminatory and equitable cost basis; and,
- d. the County retains the right to verify that the use of the Permittee's facilities and site conforms to County policies.

Documentation: Permittee shall demonstrate to the satisfaction of the Planning Director that the wireless telecommunications tower associated with the communication facility is engineered in a manner that can accommodate supplementary antennas to collocate at least one additional telecommunication carrier.

Timing: Prior to the issuance of a Zoning Clearance for construction, the Permittee shall submit evidence to the Planning Division that the facility is engineered to accommodate the collocation of at least one additional carrier.

Monitoring and Reporting: Prior to the issuance of a Certificate of Occupancy, Building and Safety inspectors and Planning Division staff have the authority to inspect the facility to confirm that is constructed as approved. (PL-91)

Environmental Health Division

21. Hazardous Materials Management

The storage, handling, and disposal of any potentially hazardous material must be in compliance with applicable state regulations. (EHD 10)

OTHER VENTURA COUNTY AGENCIES CONDITIONS

Ventura County Fire Protection District

22. Access Road / Driveway Maintenance

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

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

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

Timing: The Permittee shall provide evidence of provisions for maintenance submitted to the Fire Prevention Bureau when requested.

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

23. Hazardous Fire Area

Purpose: To advise the applicant that the project is located within a Hazardous Fire Area and ensure compliance with California Building and Fire Codes.

Requirement: The Permittee shall construct all new structures to meet hazardous fire area building code requirements.

Documentation: A stamped copy of the approved building plans to be retained by the Building Department.

Timing: The Permittee shall submit building plans to the Building Department for approval before the issuance of any new building permits.

Monitoring and Reporting: The Fire Prevention Bureau shall conduct a final inspection to ensure that the structure is constructed according to the approved hazardous fire area building code requirements. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the approved construction for the life of the structure. (VCFPD 46)

24. Hazard Abatement

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

Requirement: The Permittee shall have all grass or brush adjacent to structure's footprint cleared for a distance of 100 feet or to the property line if less than 100 feet. All grass and brush shall be removed a distance of 30 feet from any tower or equipment enclosure. All grass and brush shall be removed a distance of 10 feet on each side of all access road(s)/driveway(s) within the project. The Fire District may require the entire parcel to be cleared. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126

"Requirement for Construction" or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines at all times.

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

25. Fire Department Clearance

Purpose: To provide the Permittee a list of all applicable fire department requirements for his / her project.

Requirement: The Permittee shall obtain VCFD Form #126 "Requirements for Construction" for any new structures or additions to existing structures before issuance of building permits.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126

"Requirements for Construction"

Timing: The Permittee shall submit VCFPD Form #126 Application to the Fire Prevention Bureau for approval before issuance of any new building permits.

Monitoring and Reporting: A copy of the completed VCFPD Form #126 shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau will conduct a final on site inspection of the project to ensure compliance with all conditions and applicable codes / ordinances. (VCFPD 51)

26. Fire Code Permits

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

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

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

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

Monitoring and Reporting: A copy of the approved Fire Code permits shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that the requirements of the Fire Code permit are installed according to the approved plans. Unless a modification is approved by the Fire Prevention Bureau, the Permittee, and his successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development. (VCFPD 53)