

Planning Director Staff Report – Hearing on July 30, 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 COMMUNICATIONS FACILITY

Case No. PL14-0193

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 (Case No. PL14-0193).
- **2. Applicant:** Verizon Wireless, 15505 Sand Canyon Avenue, Building D-1, Irvine, California, 92618
- **3. Property Owner:** Coast Ranch Family LLC, Care of Carol Humbleton, 1000 South Seward Avenue, Ventura, California, 93001
- **4. Applicant's Representative:** Jamie T. Hall, Channel Law Group, LLC, 207 East Broadway, Suite 201, Long Beach, California, 90802
- 5. Decision-Making Authority: Pursuant to the 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 7,812 square foot project site is located at 10151 Ocean View Road, near the intersection of Casitas Pass and Rameli Ranch Roads, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 060-0-030-040 (Exhibit 2).
- 7. Project Site Land Use and Zoning Designations (Exhibit 2):
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. <u>Zoning Designation</u>: OS-160 ac (Open Space, 160 acre minimum lot size)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development	
North	OS-160 ac	Vacant	
East	OS-160 ac Vacant		
South	OS-160 ac and M2-10,000 sq ft Vacant		
West	AE-40 ac	Agricultural production	

- **9. History:** The project site is located within an area subject to an oil and gas conditional use permit (CUP 19) since 1948. The site has been used for communications facilities since 1961. Discretionary permits granted on the project property include the following:
 - CUP 19: In 1948, the Board of Supervisors granted SUP 19 for oil and gas exploration and production. The subject property is not currently used for oil and gas production, but is located within the permit area.
 - In 1961, the Board of Zoning Approval granted CUP 1441 for the construction of a microwave relay station.
 - In 1977, the Planning Commission approved CUP 3690 for the continued use of the existing communications facility previously permitted with CUP 1441.
 - In 1984, the Planning Director granted CUP 4218 for the construction of a microwave repeater station.
 - In 1988, the Planning Director granted CUP 4496 for the construction of a communications facility. This permit expired in 1998 and was later replaced by Permit No. LU08-0143.
 - In 1994, the Planning Director granted CUP 4849 for the construction of a communications facility.
 - In 1995, the Planning Director granted CUP 4899 for the construction of a communications facility. This permit expired in 2005 and was later replaced by Permit No. LU07-0079.
 - In 2004, an application was submitted for a time extension to CUP 4849 (LU04-0028). The application was later withdrawn.
 - In 2004, the Planning Director approved a Modified CUP (LU04-0089) to CUP 4849 for the continued use of, and addition of equipment to, the existing communications facility.

- In 2004, the Planning Director approved a Permit Adjustment (LU04-0107) to CUP 4849 for the addition of an emergency generator.
- In 2006, the Planning Director granted CUP LU06-0023 for the continued operation of the existing communications that was previously permitted with CUP 3690.
- In 2007, the Planning Director granted CUP LU07-0079 for the continued operation of, and addition of equipment to, the existing facility previously permitted with CUP 4899.
- In 2009, the Planning Director approved a Permit Adjustment (LU08-0150) to CUP 4849 for the installation of additional equipment on the existing communications facility.
- In 2009, the Planning Director granted CUP LU08-0143 for the continued use of a communications facility previously permitted with CUP 4496.
- In 2009, the Planning Director approved a Permit Adjustment (LU08-0150) to CUP 4849 for additional antennas on the existing communications facility.
- In 2012, the Planning Director approved a Permit Adjustment (LU11-0140) to CUP LU07-0079 for the addition of equipment.
- In 2014, the Planning Director approved a Permit Adjustment (PL14-0009) to CUP LU07-0079 for the replacement of equipment on the existing communications facility.
- In 2014, the Planning Director approved a Permit Adjustment (PL14-0147) to CUP LU07-0079 for the replacement of equipment on the existing communications facility.
- In 2014, the applicant submitted the current application for a new CUP (PL14-0193) for the existing facility that was previously permitted with CUP 4849.
- **10. Project Description:** The applicant requests that a Conditional Use Permit be granted to authorize the continued use of an existing communications facility operated by Verizon. The facility consists of a 60-foot high lattice tower, two equipment shelters, and a generator within a 7,812 square foot area surrounded by an eight-foot high chainlink fence topped with one foot of barbed wire. The lattice tower has a total of 11 antennas including six panel antennas, and five dish antennas. The facility will be unmanned and does not require water for operation. Operation of the facility includes eight maintenance visits per month by company personnel. (See project plans, 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 or 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. Section 15301 of the CEQA Guidelines exempts projects involving negligible or no expansion of use beyond that existing at the time of the lead agency's environmental determination. The proposed project consists of the continued use of the existing communications facility, and does not include any expansion of use or any physical changes to the facility.

Therefore, staff recommends that the decision-maker find this project to be categorically exempt from environmental review pursuant to Section 15301 of the CEQA Guidelines.

C. CONSISTENCY WITH THE GENERAL PLAN

The Ventura County General Plan Goals, Policies and Programs (2011, 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. 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 does not include the use of water. No additional impervious areas will be created as part of this project. Thus, the proposed project would not significantly impact the quantity or quality of water resources within watersheds, groundwater recharge areas or groundwater basins.

Based on the above discussion, the proposed project will be consistent with Policies 1.3.2-4.

2. Resources Policy 1.5.2-1: Discretionary development which could potentially impact biological resources shall be evaluated by a qualified biologist to assess impacts and, if necessary, develop mitigation measures.

Implementation of the proposed project will not require any construction activities or include the introduction of new uses that could adversely impact biological resources on the site or in the surrounding area. The site has been previously cleared of vegetation to accommodate the existing wireless communication facility.

Based on the above discussion, the project is consistent with Policy 1.5.2-1,

3. 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.

Resources Policy 1.7.2-2: Scenic Resource Areas, which are depicted on the Resource Protection Map (Figure 1), shall be subject to the Scenic Resource Protection (SRP) Overlay Zone provisions and standards set forth in the Non-Coastal Zoning Ordinance, which include the following:

- (1) Any request for grading, structures or vegetation removal per the standards of the SRP Overlay Zone shall be evaluated through a discretionary permit.
- (2) Removal, damaging or destruction of protected trees shall be in compliance with the County's "Tree Protection Regulations" of the Non-Coastal Zoning Ordinance.
- (3) All discretionary development shall be sited and designed to:
 - a. Prevent significant degradation of the scenic view or vista;
 - b. Minimize alteration of the natural topography, physical features and vegetation;
 - c. Utilize native plants indigenous to the area for re-vegetation, whenever possible;
 - d. Avoid silhouetting of structures on ridge tops that are within public view.
 - e. Use colors and materials that are designed to blend in with the natural surroundings.
 - f. Minimize lighting that causes glare, illuminates adjacent properties, or is directed skyward in rural areas
- (4) No on-site freestanding advertising signs in excess of four feet in height and no freestanding off-site advertising signs shall be permitted.

Federally-owned land is not subject to the Scenic Resource Protection Overlay Zone and is not subject to any permit requirements as specified under (1) or (2) above. To the extent possible, the agencies responsible for the administration of land use activities on Federally owned land should consider Policies 1.7.2-2(3) and (4) above in the planning and administration of new land uses within Scenic Resource Areas.

The proposed project involves the continued operation of an existing communication facility. No physical changes in the facility are proposed. Thus, no new effect on visual resources will result from project implementation. The facility is located on the top of Rincon Peak. The facility includes a lattice tower that is not prominently silhouetted on the ridgeline. The Permittee will be subject to a condition of approval to ensure the facility remains compatible with the surrounding terrain (Exhibit 4, Condition No. 20).

The proposed project site is not located within a Scenic Resource Area.

Based on the above discussion, the proposed project is consistent with Policies 1.7.2-1 and 1.7.2-2.

4. Hazards Policy 2.13.2-1: All discretionary permits shall be required, as a condition of approval, to provide adequate water supply and access for fire protection and evacuation purposes.

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

Public Facilities and Services 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.

The existing communications facility does not require water service for fire protection. The facility will continue to be accessible for fire protection and evacuation purposes by an existing dirt road. The proposed project has been reviewed by the Ventura County Fire Protection District ("VCFPD") and will be subject to conditions of approval to require adequate water supply and access for fire protection and evacuation purposes be maintained (Exhibit 4, Condition Nos. 25-29).

Based on the above discussion, the proposed project will be consistent with Policies 2.13.2-1, 2.13.2-2, and 4.8.2-1.

- 5. Hazards 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.
 - (2) Noise sensitive uses proposed to be located near railroads shall incorporate noise control measures so that:
 - a. Guidelines (1)a. and (1)b. above are adhered to.
 - b. Outdoor noise levels do not exceed L10 of 60 dB(A).
 - (3) Noise sensitive uses proposed to be located near airports:
 - a. Shall be prohibited if they are in a CNEL 65 or greater, noise contour.
 - b. Shall be permitted in the CNEL 60 to CNEL 65 noise contour area only if means will be taken to ensure interior noise levels of CNEL 45 or less.
 - (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.
 - (5) Construction noise shall be evaluated and, if necessary, mitigated in accordance with the County Construction Noise Threshold Criteria and Control Plan.

Under normal operation, the proposed facility will not generate any noise that would be perceptible from offsite locations. No new noise would be created as the requested permit would authorize the existing facility.

The proposed project will generate noise from the operation of the emergency generator and maintenance activities that are incidental to the facility operation. The facility operations will occur at the remote site on Rincon Peak. The nearest noise sensitive use is a residence located approximately 2,000 feet to the northwest of the proposed project site. At that distance, the noise levels generated from the communications facility will not exceed the noise levels of Policy 2.16.2-1.

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

6. Public Facilities and Services Policy 4.1.2-1: Discretionary development shall be conditioned to contribute land, improvements or funds toward the cost of needed public improvements and services related to the proposed development.

The proposed project will not require public improvements and services related to the development. Therefore, no conditions of approval are required for contributions toward the cost of public improvements.

Based on the above discussion, the proposed project will be consistent with Policy 4.1.2-1.

7. Public Facilities and Services Policy 4.1.2-2: Development shall only be permitted in those locations where adequate public services are available (functional), under physical construction or will be available in the near future.

The existing communications facility is not anticipated to increase demand on public services. The VCFPD has reviewed the proposed project and has determined that the proposed project does not have the potential to adversely impact public services.

Based on the above discussion, the proposed project will be consistent with Policy 4.1.2-2.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the NCZO (§ 8105-4), the proposed use is allowed in the Open Space zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply 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 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? Yes
Minimum Lot Area (Gross)	10 acres	
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	35 feet	N/A

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a conditional use permit 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 subject communications facility is surrounded by undeveloped land used for livestock grazing. The facility is visible from public viewing areas along U.S. Highway 101 located approximately three miles to the west of the site in the County of Santa Barbara. The communications facility has been painted to blend in with the sky and the surrounding vegetation and is not be prominently distinguishable from the background of sky and hillsides. The facility will be subject to a condition of approval to require the facility blend in with the surrounding terrain (Exhibit 4, Condition No. 20). Since the facility will not be prominently visible from public viewing locations, it will be compatible with the character of 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 subject communications facility is and will be enclosed by a chainlink fence surrounded by undeveloped land. The facility will be unmanned and will require eight visits per month by maintenance personnel. The operation of the facility will not create any substantial new effects on the neighboring properties. The proposed project will be conditioned to establish a system for the reporting and resolution of complaints. Reporting of all major incidents will also be required (Exhibit 4, Conditions Nos. 16-18). Finally the project will include conditions of approval to ensure that waste materials and other pollutants are handled appropriately and that the proposed use, storage, and handling of hazardous materials will comply with all applicable County and state regulations (Exhibit 4, Condition Nos. 23-24). No aspect of the facility has been identified that will be obnoxious or harmful, or impair the utility of neighboring property or uses.

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 operation of the facility will not generate significant noise and will not create any substantial new effects on the neighboring properties. The project will not create any unusual risks or hazards as it will be operated in compliance with County and State regulations pertaining to fire suppression and the handling of hazardous materials (Exhibit 4, Condition Nos. 23-29). Because of its design and distance from public viewing areas, the proposed facility would not substantially affect visual resources. Therefore, the proposed project will not 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 [§ 8111-1.2.1.1.e].

As discussed in Finding 2 (above), the project involves the use of an unmanned communications facility that will not substantially alter the character of the area. The proposed communications facility will be compatible with the surrounding oil and gas production use, and grazing use. Given the Open Space land use designation and remote location, more intense future land uses in the area are 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 [§ 8111-1.2.1.1f].

The subject property is comprised of the southwest quarter of the northwest quarter of Section 5, Township 3 North, Range 24 West, San Bernardino Baseline and Meridian, in the County of Ventura, State of California. Certificate of Compliance No. 88-11-270 issued by the County of Ventura establishes this property as a legal lot.

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

F. PLANNING COMMISSION 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 the 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, Planning Division staff has not received any public comments regarding the proposed project.

G. RECOMMENDED ACTIONS

Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Commission 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 environmental review pursuant to Section 15301 of the CEQA Guidelines.
- 3. **MAKE** the required findings to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
- 4. **GRANT** CUP PL14-0193, 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 Jay Dobrowalski at (805) 654-2498 or jay.dobrowalski@ventura.org.

Prepared by:

Jay Dobrowalski, Case Planner

Reviewed by:

Brian R. Baca, Manager

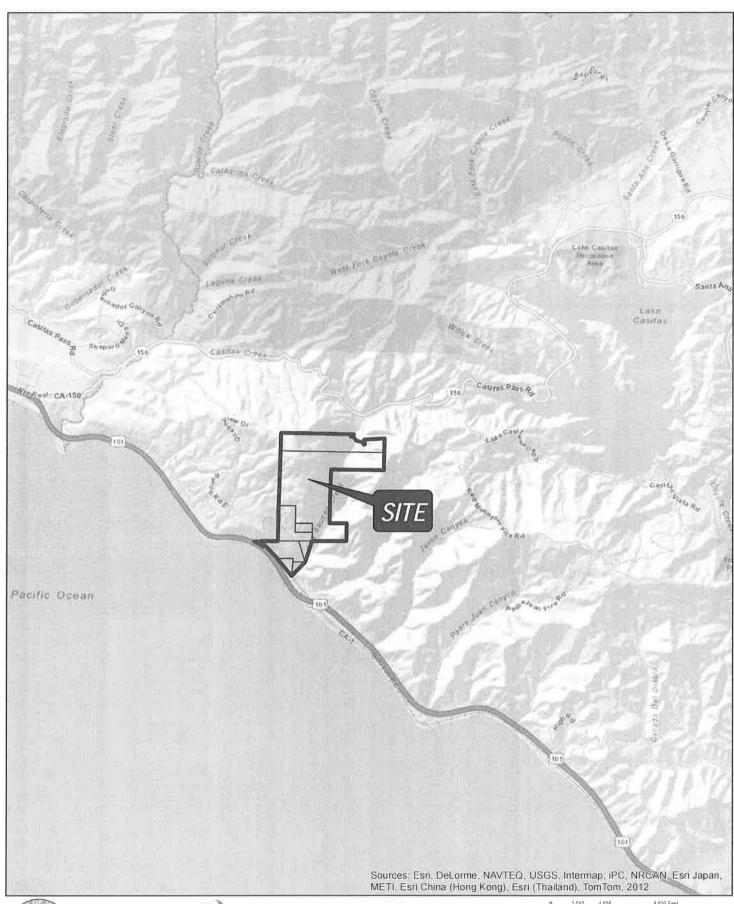
Commercial-Industrial Permits Section

EXHIBITS

Exhibit 2 – Location Map

Exhibit 3 – Plans

Exhibit 4 - Conditions of Approval





Ventura County Resource Management Agency nformation Systems GtS Services Map created on 07/07/2015



County of Ventura Planning Director Hearing PL14-0193 Exhibit 2 - Map



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





AMERICAN TOWER® ATC TOWER SERVICES, INC. RINCON MTN ATC SITE #: 301010 10151 OCEANVIEW ROAD SEASIDE, CA



DRIVING DIRECTIONS

FROM 1405 & 101 FRWY: TAKE 101 NORTH "VENTURA" TO EXIT 76 TOWARD SEACLIFF, TURN LEFT ONTO PACIFIC COAST HIGHWAY;CA-1, STAY STRAIGHT TO GO ONTO RINCON HWY, PROCEED TO SITE ADDRESS ON RIGHT SIDE OF ROAD,

PROJECT DESCRIPTION

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PROJECT SUMMARY

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VERIZON WIRELESS 2765 MITCHELL DRIVE WALNUT CREEK, CA 94598 CONTACT: WAYNE LOWELL PHONE, 925 278 G333

PROPERTY INFORMATION

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PROJECT TEAM

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JANIE HALL CHANNEL LAW GROUP 207C BROADWAY SUITE 201 LONG BEACH. CA. 90802

SHEET INDEX

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C-1 SIZENEY SHEED

A-1 SIZENEY SHEED

A-2 SECOND SHELTER PLANS

A-2 SECOND SHADEL MAP

A-3 ASSESSORS PARCEL MAP

A-4 PLOOD PLANS MAP

A-5 SEASTHAL SHEWER

JURISDICTION

DISPET OF VEHICLE (DOS) 614-2488

AMERICAN TOWER®

ATC TOWER SERVICES, INC.

850S FREEPORT PARKWAY SUITE 135 IRVING TX 75053 PHONE: (972) 999-8900 FAX: (972) 999-8940 NYSE AMT

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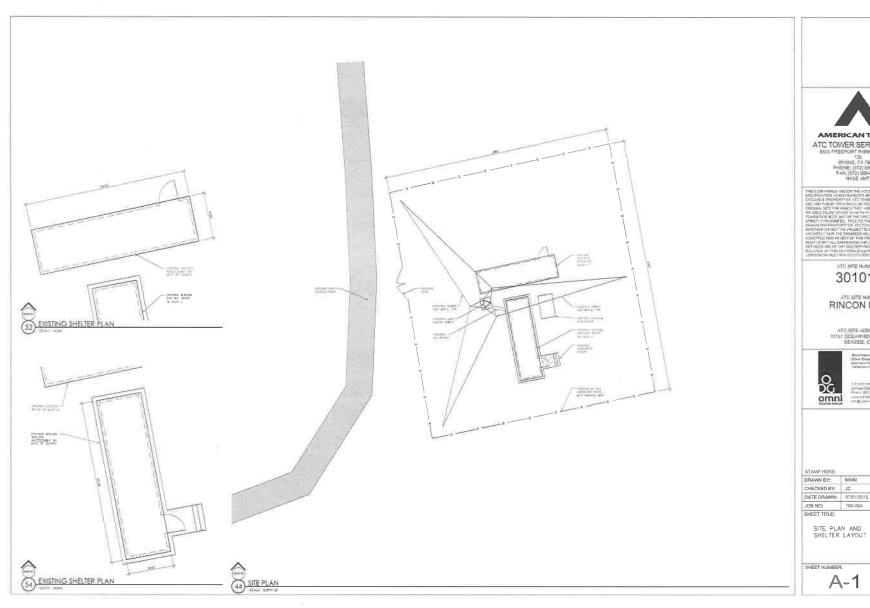
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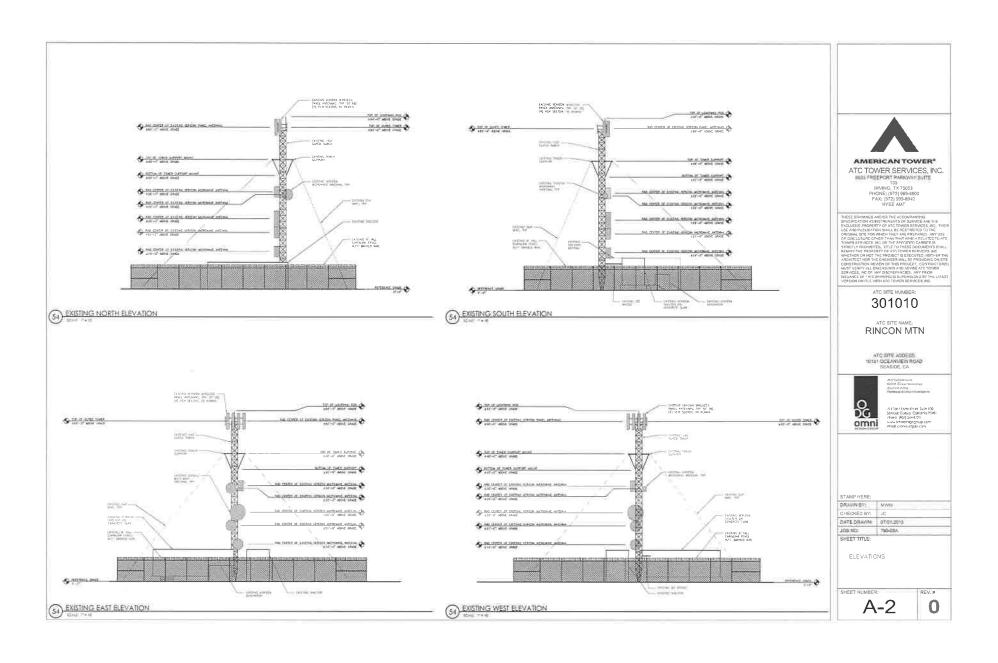
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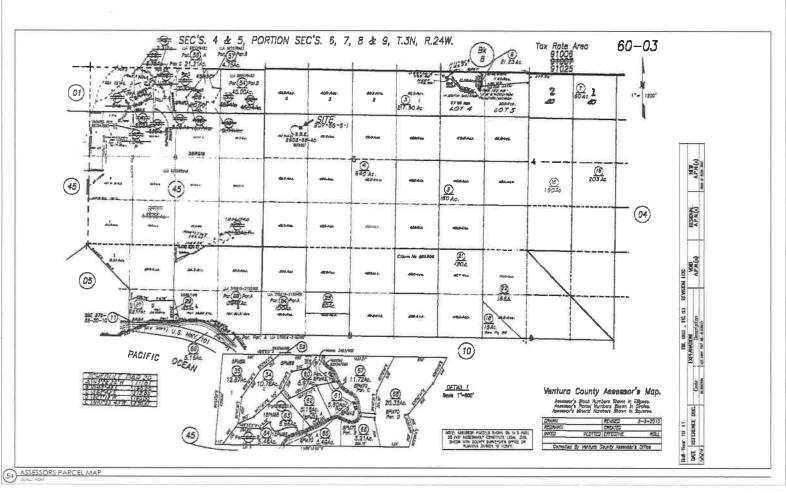
County of Ventura
Planning Director Hearing
PL14-0193
Exhibit 3 – Plans





A-1







ATC TOWER SERVICES, INC.

B50S FREEPORT PARKWAY SUITE

IB
IRVING, TX 75063
PHONE: (972) 998-8900
FAX: (972) 998-8940
NYSE AMT

ATC SITE NUMBER:

301010

ATC SITE NAME: RINCON MTN

ATC SITE ADDESS: 10151 OCEANVIEW ROAD SEASIDE, CA



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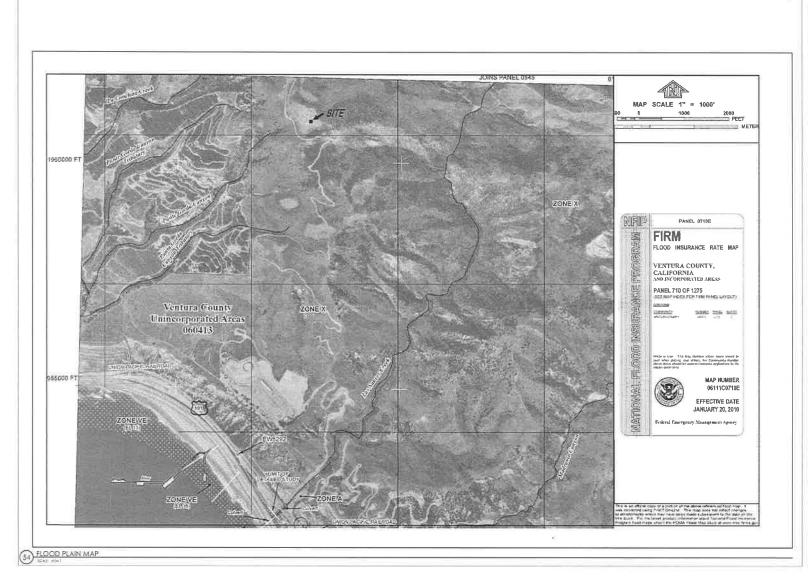
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AMERICAN TOWER®

ATC TOWER SERVICES, INC.

8505 FREEPORT PARKWAY SUITE 135 IRVING, TX 75053 PHONE: (972) 998-8900 FAX; (972) 998-8940 NYSE AMT

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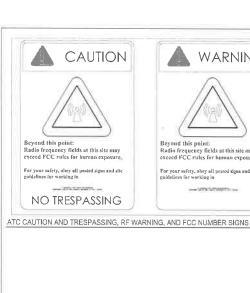
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Radio frequency fields at this site may

exceed FCC rules for human exposure,

For your sufety, obey all posted signs and site

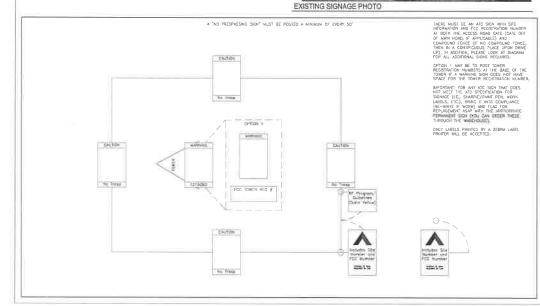
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FOR LEASING INFORMATION: 877-282-7483 877-ATC-SITE

FOR EMERGENCIES CALL: 877-518-6937 877-51-TOWER

NO TRESPASSING www.americantower.com

POSTERS OF THE SIGNADE REQUIRED BY LINE

ATC SITE SIGN

REPLACEMENT OF SIGNAGE

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Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless **Location:** 10151 Ocean View Rd

Page 1 of 15

EXHIBIT 4

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) NO. PL14-0193

Verizon Wireless Communications Facility

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

- I. Planning Division Conditions
- 1. Project Description

This permit authorizes the continued use of an existing communications facility operated by Verizon. The facility consists of a 60-foot high lattice tower, two equipment shelters, and a generator within a 7,812 square foot area surrounded by an eight-foot high chainlink fence topped with one foot of barbed wire. The lattice tower has a total of 11 antennas including six panel antennas, and five dish antennas. The facility will be unmanned and does not require water for operation. Operation of the facility includes eight maintenance visits per month by company personnel. The facility shall be maintained in accordance with the approved plans on file with the County of Ventura, Planning Division.

2. Required Improvements for CUP

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

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

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

Timing: Prior to the issuance of a Zoning Clearance for construction the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and Public Works Director allow the Permittee to provide financial security and a final executed agreement. approved as to form by the

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd

Page 2 of 15

County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to occupancy. The Permittee shall maintain the required improvements for the life of the permit.

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

3. Site Maintenance

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

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

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

Timing: Prior to occupancy and for the life of the permit.

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

4. CUP Modification

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

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director: and.
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, § 21000-21178) and

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd Page 3 of 15

the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, § 15000-15387), as amended from time to time.

5. Construction Activities

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

6. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall constitute the Permittee's formal agreement to comply with all conditions of this CUP. Failure to abide by and comply with any condition for the granting of this CUP shall constitute grounds for enforcement action provided in the *Ventura County Non-Coastal Zoning Ordinance* (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.

7. Time Limits

- a. Use inauguration:
 - i. The approval decision for this CUP becomes effective upon the expiration of the 10 day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses provided in Condition No. 1 (Project Description).
 - ii. This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year [see the *Ventura County Non-Coastal Zoning Ordinance* (2011, § 8111-4)] from the granting or approval of this CUP. The Planning Director may grant a one year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the time extension in writing at least 30 days prior to the one year expiration date.

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd

Page 4 of 15

iii. Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

b. Permit Life or Operations Period:

This CUP will expire on [insert date, 10yrs]. 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 [insert 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.

8. <u>Documentation Verifying Compliance with Other Agencies' Requirements Related</u> 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 use inauguration 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

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd Page 5 of 15

the new documentation within 30 days of receipt of the documentation from the other agency.

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

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

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

Documentation: The Permittee shall present to the Planning Division copies of the conditions, upon the Planning Division's request.

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

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

10. Recorded Notice of Land Use Entitlement

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

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

Documentation: Recorded Notice of Land Use Entitlement.

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

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

11. Condition Compliance, Enforcement, and Other Responsibilities

a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, material costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs as described below in Condition 11.b. Specifically, the Permittee shall bear the full costs of the following:

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd

Page 6 of 15

 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 11.a, above), monitoring and enforcement (Condition 11.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 11.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.

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd

Page 7 of 15

12. Defense and Indemnity

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

- a. Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either the County's decision to issue this CUP, or the manner in which the County is interpreting or enforcing the conditions of this CUP; and
- b. Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such legal action. Upon written demand from the County, the Permittee shall reimburse the County for any and all court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such legal action the Permittee defended or controlled the defense thereof pursuant to Section 13(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.

13. Invalidation of Condition(s)

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

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

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless **Location:** 10151 Ocean View Rd

Page 8 of 15

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 Commission may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Commission shall make the determination of adequacy. If the Planning Commission cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition, and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

14. Consultant Review of Information and Consultant Work

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

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 11 above, if the County hires a consultant to review any work undertaken by the Permittee, or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

15. Relationship of CUP Conditions, Laws and Other Permits

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

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Location: 10151 Ocean View Rd Page 9 of 15

Permittee: Verizon Wireless

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 a communications facility.

16. Contact Person

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

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

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

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

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

17. Resolution of Complaints

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

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 16 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an 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

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

0, 2015 **Location:** 10151 Ocean View Rd

Page 10 of 15

Permittee: Verizon Wireless

actions pursuant to § 8114-3 of the Non-Coastal Zoning Ordinance may be initiated.

18. 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.

19. 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

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd

Page 11 of 15

consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

20. 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);
- 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*.

21. 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

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Location: 10151 Ocean View Rd

Permittee: Verizon Wireless

Page 12 of 15

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:

- notify the County that the Permittee has discontinued the use of the facility; a)
- remove the facility and all appurtenant structures; and, b)
- restore the premises to the conditions existing prior to the issuance of the c) 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.

22. Future Co-location 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 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.

Permittee shall demonstrate to the satisfaction of the Planning Documentation: Director that the wireless telecommunications tower associated with the communication

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless Location: 10151 Ocean View Rd Page 13 of 15

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.

II. Environmental Health Division (EHD) Conditions

23. Hazardous Materials

Purpose: To comply with the California Health and Safety Code and Ventura County Ordinance Code to ensure the safe storage, handling, and disposal of any potentially hazardous material.

Requirement: The Permittee shall submit a business plan to the Environmental Health Division/Certified Unified Program Agency for the hazardous materials associated with the backup power supply.

Documentation: A completed business plan submitted to the Certified Unified Program Agency.

Timing: The business plan must be submitted and approved by the Certified Unified Program Agency prior to the storage of any hazardous material on site.

Monitoring and Reporting: A copy of the approved business plan shall be maintained by the Permittee as part of the project file. Ongoing compliance with the requirements shall be accomplished through field inspection by District Inspectors of the Certified Unified Program Agency.

24. <u>Hazardous Materials Management</u>

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

VENTURA COUNTY FIRE PROTECTION DISTRICT (VCFPD) CONDITIONS

25. 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 structures to meet hazardous fire area building code requirements.

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

Permittee: Verizon Wireless **Location:** 10151 Ocean View Rd

Page 14 of 15

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 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.

26. Hazard Abatement

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

Requirement: The Permittee shall have all grass or brush adjacent to any 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 antenna or to the property line if less than 30 feet. 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 before the start of construction on any structure.

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

27. 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".

Date of Planning Director Hearing: July 30, 2015

Date of Approval: [insert date]

015 Location: 10151 Ocean View Rd

Page 15 of 15

Permittee: Verizon Wireless

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

28. 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.

29. Inspection Authority

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

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

Documentation: A copy of the approved entitlement conditions.

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

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