



Planning Director Staff Report – Hearing on November 5, 2015

County of Ventura • Resource Management Agency • Planning Division

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

A. PROJECT INFORMATION

1. **Request:** The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued use, and design changes in, an existing wireless communications facility (Case No. LU10-0076).
2. **Applicant:** Verizon Wireless, 15505 Sand Canyon Avenue, Building “D” 1st floor Irvine, CA 92618
3. **Property Owner:** Triunfo Sanitation District, 1001 Partridge Drive, Suite 150, Ventura, CA 93003
4. **Applicant’s Representative:** Christine Song, Core Development Services, 2749 Saturn St, Brea, CA 92821
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8111-6.1.2), the Planning Director is the decision-maker for the requested Minor Modification to the CUP.
6. **Project Site Location and Parcel Number:** The project site is located at 4996 Kilburn Court at the end of Kilburn Court in the unincorporated community of Oak Park. The property on which the project site is located consists of Tax Assessor’s Parcels 685-0-010-175 and 685-0-207-535 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Oak Park Area Plan Land Use Map Designation: Public Open Space
 - c. Zoning Designations: RPD-6 du/ac (Residential Planned Development, six dwelling units per acre minimum) and PC2 (Planned Community)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	RPD-6 du/ac	Open space, single-family dwelling units
South	RPD-2.3 du/ac (Residential Planned Development, 2.3 dwelling units per acre minimum)	Open space, single-family dwelling units

Location in Relation to the Project Site	Zoning	Land Uses/Development
East	RPD-6 du/ac and PC 2	Open space, single-family dwelling units
West	RPD-6 du/ac and RPD-2.3 du/ac	Open space, single-family dwelling units

9. History: The subject property is developed with a municipal water tank that is surrounded by open space. There are currently four CUPs on the site for communications facilities located on the sides of the water tank or immediately adjacent to it. Historical discretionary development on the subject property includes the following:

- In 1994, the Planning Director approved CUP Case No. 4845 for an adjacent communications facility operated by Cellular One/AT&T. This permit expired in 2014.
- In 1996, the Planning Director approved CUP Case No. 4827 for the subject communications facility operated by Airtouch Cellular. This CUP expired in 2006 and was later replaced by CUP Case No. LU07-0037.
- In 1998, the Planning Director approved CUP Case No. 5030 for an adjacent communications facility operated by Sprint/Cox. This permit expires in 2018.
- In 2009, the Planning Director granted CUP No. LU07-0037 for the subject communications facility operated by American Tower. This permit authorized the continued use of the facility that was previously approved under expired CUP No. 4827 with an expiration date in 2019. The permit may be renewed for an additional 10 years to 2029 if specified findings can be made.
- In 2009, the Planning Director granted CUP No. LU08-0128 for an adjacent communications facility operated by Omnipoint/T-Mobile. This permit expires in 2019.

10. Project Description: The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued use, and design changes in, an existing wireless communications facility. The existing unmanned wireless communications facility consists of three monopole antennas and an equipment shelter located at the water tank located above Kilburn Court in the Oak Park area. The proposed project includes the replacement of the three existing 40-foot tall monopoles with two 50-foot tall, slimline monopoles and one 55-foot tall, slimline monopole. Each pole will have two panel antennas, two remote radio units, and one demarcation box. The facility will have a total of six panel antennas, six remote radio units, and three demarcation boxes. The proposed

project also includes: (1) the continued use of an existing 12-foot tall equipment shelter that occupies approximately 120 square feet of ground area, and (2) the installation of a previously approved 30-kilowatt emergency generator (see Exhibit 3 – Plans).

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. Class 1 facilities include the minor alteration of existing structures involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination (CEQA Guidelines, § 15301). As stated in § A.10 of this staff report (above), the proposed project consists of the continued use of, and minor alterations to, an existing communications facility that does not have the potential to create any significant environmental impacts. The equipment shelter will not be visible from public viewing places. The proposed new monopoles will be slimline in design (antenna panels will extend no more than 18 inches from the supporting poles) and are considered a stealth facility under County ordinance. While silhouetted against the sky, slimline poles are not considered to be prominently visible. In any case, the increase in height will not substantially change the existing visual character of the antenna towers.

Based on the above discussion, staff recommends that the decision-maker find the 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* (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.

The project site is located within the area that is subject to the policies of the *Oak Park Area Plan*. Planning Division staff's analysis of the proposed project's consistency with the applicable policies of the *General Plan Goals, Policies and Programs* and *Oak Park Area Plan*, is set forth.

- 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.*

Oak Park Area Plan Policy 1.2.2-4: *All discretionary permits shall be reviewed for consistency with the goals, objectives and policies of the County's Water Quality Management Plan.*

The proposed project consists of the redesign and continued use of an existing communications facility. The facility does not require water. In addition, the proposed project will not result in the installation of additional impervious surfaces. Therefore, the proposed project does not have the potential to impact the quantity or quality of water resources.

Based on the discussion above, the proposed project will be consistent with Policy 1.3.2-4 and Policy 1.2.2-4.

- 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.*

Biological Resources Policy 1.5.2-4: *Discretionary development shall be sited a minimum of 100 feet from significant wetland habitats to mitigate the potential impacts on said habitats. Buffer areas may be increased or decreased upon evaluation and recommendation by a qualified biologist and approval by the decision-making body. Factors to be used in determining adjustment of the 100 foot buffer include soil type, slope stability, drainage patterns, presence or absence of endangered, threatened or rare plants or animals, and compatibility of the proposed development with the wildlife use of the wetland habitat area. The requirement of a buffer (setback) shall not preclude the use of replacement as a mitigation when there is no other feasible alternative to allowing a permitted use, and if the replacement results in no net loss of wetland habitat. Such replacement shall be "in kind" (i.e. same type and acreage), and provide wetland habitat of comparable biological value. On-site replacement shall be preferred wherever possible. The replacement plan shall be developed in consultation with California Department of Fish and Game.*

Oak Park Area Plan Policy 1.3.2-4: *All discretionary development shall comply with the oak tree preservation and mitigation requirements of the adopted Oak Park Development Plans.*

The proposed project will not involve development activities that will remove or disturb any oak trees. The Planning Division Biologist evaluated the proposed project and determined that the project will have no impact on biological resources. No conditions of approval are required to ensure compliance with biological resources policies.

Based on the above discussion, the proposed project is consistent with Policies 1.5.2-1 and 1.5.2-4, and Oak Park Area Plan Policy 1.3.2-4.

- 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.*

The antenna towers included in the existing wireless facility are located in an open space area and are visible from three general areas: (1) Golden Nugget Way approximately 1,000 feet south of the site; (2) Bromley Drive 1,800 feet northeast of the site; and, (3) Napoleon Avenue approximately 2,300 feet northeast of the site.

The proposed slimline monopoles would replace the existing facilities in the same locations. Although taller than the existing poles, slimline poles such as those proposed are considered under County Non-Coastal Zoning Ordinance to be "stealth" facilities. Thus, the proposed antenna poles will not be prominently visible against the sky as viewed from public viewing places. The change to taller poles will not substantially change the existing visual character of the site.

Photo-simulations of the proposed project from the vantage points set forth above, are included as Exhibit 4 with this staff report. As shown in the photo-simulations, the profiles of the slimline monopoles will not be visually prominent.

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

- 4. Paleontological and Cultural Resources Policy 1.8.2-2:** *Discretionary development shall be designed or re-designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups),*

historical or paleontological consultants, depending on the type of resource in question.

Oak Park Area Plan Paleontological and Cultural Resources Policy 1.5.2-1:

All discretionary permits involving construction or earth movement within the Oak Park Area of Interest shall be reviewed by the County's designated archaeological resource organization and representatives of the local Chumash Indian Community. Where deemed necessary by the Planning Division, a field reconnaissance study shall be conducted by a County approved archaeologist to determine the potential for surface or subsurface cultural remains. Appropriate mitigation of impacts to identified sites, as recommended by the archaeologist and approved by the County, shall be required. Grading shall be monitored within those areas determined by the field survey to be of moderate or higher likelihood to yield buried artifacts. Monitors shall be empowered to halt construction in the immediate vicinity of unearthed artifacts until adequate investigation has occurred.

The proposed project includes minor ground disturbance for the installation of new footings for the replacement monopoles. The footings of the new monopoles would encompass less than 100 square feet and would be located at the sites of the existing poles. No known paleontological or archaeological resources exist on the project site. Furthermore, the hilltop was graded flat when the adjacent water tank was installed. Thus, it is highly unlikely that any intact cultural resources exist on the site or will be disturbed during foundation installation.

In any case, future grading and construction activities will be subject to the Planning Division's standard conditions of approval regarding the discovery of previously unknown subsurface resources (Exhibit 5, Condition No. 19). With this condition, any potential impacts to resources discovered during ground-disturbance activities will be avoided.

Based on the above discussion, the proposed project is consistent with Policy 1.8.2-2 and Oak Park Area Plan Policy 1.5.2-1.

- 5. 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.*

The existing communications facility does not require any water. The facility has access for fire protection from Kilburn Court. The Ventura County Fire Protection District (VCFPD) reviewed the proposed project and identified that additional water and improved access for fire protection purposes are not required.

Based on the discussion above, the proposed project is consistent with Policy 2.13.2-1.

6. 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...*

(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.

Oak Park Area Plan Policy 2.4.2-3: *Outdoor construction and grading equipment shall be permitted to operate only during the hours of 7:00 a.m. to 6:00 p.m. Monday through Saturday.*

The proposed project will generate temporary construction noise during the removal of the existing poles and the construction of the new replacement poles. The nearest noise sensitive use is a residential area located approximately 500 feet to the northwest of the equipment building. At that distance, the project is not anticipated to generate construction noise in excess of the levels of Policy 2.16.2-1.

The wireless communication facility will continue to generate noise from the ongoing operation of two existing air conditioning units in the equipment building. No new noise would be generated as a result of the modifications included in the proposed project. No noise complaints have been received regarding the operation of this facility. The nearest noise sensitive uses are located 500 feet from the project site at a lower elevation. At that distance, the noise generated by a small air conditioning unit is not anticipated to be discernible.

The proposed project will be subject to a condition of approval to limit construction hours from 7:00am to 6:00pm Monday through Saturday (Exhibit 5, Condition No. 26).

Based on the discussion above, the proposed project is consistent with Policy 2.16.2-1 and Oak Park Area Plan Policy 2.4.2-3.

- 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.*

Adequate public services currently serve the existing facility. Since the proposed project will not involve increased demand on those services, the proposed project does not have the potential to adversely impact public services.

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

- 8. 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.*

Oak Park Area Plan Policy 2.3.2-1: *Discretionary development permits shall be conditioned to provide adequate water and access for fire fighting purposes as determined by the Fire Protection District.*

The VCFPD reviewed the proposed project and determined that the proposed communications facility will have adequate water supply, access, and response time for fire protection.

Based on the discussion above, the proposed project is consistent with Policy 4.8.2-1 and Oak Park Area Plan Policy 2.3.2-1.

- 9. Oak Park Area Plan Policy 1.1.2-2:** *Projects subject to Air Pollution Control District (APCD) permit authority shall comply with all applicable APCD rules and permit requirements, including using the best available control technology as*

determined by the APCD. Developers shall be encouraged to employ innovative technology in order to minimize air pollution impacts.

The APCD reviewed the proposed project and recommended conditions of approval. The proposed project will be subject to conditions of approval to ensure compliance with all applicable APCD rules and permit requirements (Exhibit 5, Condition No. 29).

Based on the discussion above, the proposed project is consistent with Oak Park Area Plan Policy 1.1.2-2.

10. Oak Park Area Plan Policy 4.8.2-1: *The Oak Park Municipal Advisory Council (OPMAC) shall continue to be the Board of Supervisors' recognized public review group for the Oak Park Area of Interest. All applications for discretionary permits and all environmental documents for projects located within the Oak Park Area of Interest shall be distributed to the OPMAC.*

The subject application was distributed to the OPMAC, and the OPMAC considered the proposed project at its September 29, 2015 meeting. The OPMAC recommended that the Planning Director approve the proposed project (Exhibit 6).

Based on the discussion above, the proposed project is consistent with Oak Park Area Plan Policy 4.8.2-1.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO (§ 8105-5 and 8111-6.1.2), the proposed use is allowed in the PC2 and RPD zone districts with the granting of a Conditional Use Permit. Upon the granting of a modified CUP, the Permittee will be in compliance with this requirement.

The proposed project includes the use of buildings and structures that are subject to the development standards of the Ventura County NCZO (§ 8106-1.2). Table 1 lists the applicable development standards and a description of whether the proposed project complies with the development standards.

Table 1.1 – PC2 Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	10 acres	Yes
Maximum Percentage of Building Coverage	5	Yes
Front Setback	20 feet	Yes
Side Setback	20 feet	Yes

Table 1.1 – PC2 Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Rear Setback	15 feet	Yes
Maximum Building Height	25 feet	Yes

Note: the NCZO does not define the PC2 zone. Thus, staff has used the Open Space zone standards (above), as the subject property is designated as Open Space in the *General Plan*.

Table 1.2 – RPD Development Standards Consistency Analysis

Type of Requirement	Zoning Ordinance Requirement	Complies?
Minimum Lot Area (Gross)	Specified by permit	Yes
Maximum Percentage of Building Coverage	41	Yes
Setback From Street	10 feet	Yes
Sum of Side Yards	6 feet	Yes
Rear Setback	10 feet	Yes
Maximum Building Height	35 feet	Yes

The proposed communications facility is subject to the special use standards of the Ventura County NCZO (§ 8107-45.4). Table 2 lists the applicable special use standard and a description of whether the proposed project complies with the special use standards.

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
Designed as a stealth facility	Yes
Compatible with existing setting	Yes
Located in preferred location	Yes
Not located in non-preferred locations	Yes
Height	Yes
Setbacks	Yes
Retention of concealment elements	Yes
Historical landmark/site of merit	Yes
Environmentally sensitive area	Yes
Ridgelines	Yes
Scenic resource protection overlay zone	Yes
Accessory equipment	Yes
Colors and materials	Yes
Noise	Yes
Landscaping and screening	Yes
Security	Yes
Lighting	Yes
Signage	Yes
Access roads	Yes

E. CONDITIONAL USE PERMIT FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County NCZO (§ 8111-1.2.1.1 et seq.). The proposed findings and supporting evidence are as follows:

- 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 proposed project is an upgrade of an existing communications facility located next to a water tank in Oak Park. The area adjacent to the project site is a hilltop in an open space area. Several other wireless communication facilities are also located on this hilltop. Single-family dwellings are located below the site along the base of the hill. The existing monopoles are partially screened by the surrounding landscaping and hills. The equipment shelter is not visible from public viewing places. The project would result in the addition of approximately 10-15 feet of height to the monopoles, and adding new remote radio units located behind the antennas. The "slimline" design is considered a "stealth" facility because such poles are not prominently visible against a skyline. The proposed facility will not substantially degrade the existing public views of the hilltop area or result in a significant visual impact. Thus, the proposed modifications of the existing facility 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 existing communications facility is located on a hilltop that is occupied by a public water district tank and several other wireless communications facilities. The project involves the replacement of the existing poles with taller poles with a slim line "stealth" design. The footprint of the facility will remain unchanged.

The proposed changes in the existing facility would not substantially alter the level of development on this site or have a significant adverse effect on the residential development that surrounds the hill. The existing communications facility is unmanned and is accessed by a paved driveway connected to Kilburn Court. The continued use of this driveway will not adversely impact the neighboring properties.

The proposed project will be conditioned to include a contact person for the timely resolution of complaints and the reporting of all major incidents so as to prevent a recurrence of such an incident (Exhibit 5, Condition Nos. 13-15). A condition of approval will be imposed to ensure that the proposed use, storage, and handling of hazardous materials will comply with all applicable County and state regulations (Exhibit 5, Condition Nos. 28 and 29). Finally, a condition of approval will require that construction equipment shall not be parked on Kilburn Court unless authorized in writing by the County Public Works Agency.

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

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

The proposed project involves the replacement of monopoles at an existing facility. The continued use of the facility will not create any substantial new effects on the neighboring properties. The project will be unmanned, will not generate significant noise, will not create any unusual risks or hazards, and will not result in the loss or degradation of significant resources. Furthermore, the project will continue to be subject to conditions to minimize the risks associated with hazardous materials on site and potential fire hazards (Exhibit 5, Condition Nos. 29 and 31-37). 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).

The proposed project is an upgrade of an existing communications facility located next to a water tank in Oak Park. The area adjacent to the project site is a hilltop in an open space area. Several other wireless communication facilities are also located on this hilltop. Single-family dwellings are located below the site along the base of the hill. The existing monopoles are partially screened by the surrounding landscaping and hills. The equipment shelter is not visible from public viewing places. The project would result in the addition of approximately 10-15 feet of height to the monopoles, and adding new remote radio units located

behind the antennas. The "slimline" design is considered a "stealth" facility because such poles are not prominently visible against a skyline. The proposed facility will not substantially degrade the existing public views of the hilltop area or result in a significant visual impact. Thus, the proposed modifications of the existing facility will be compatible with the character of the surrounding development.

Because of topography and the buildout of the Oak Park community, changes in the land use of the project site and the surrounding residential area are not foreseeable at this time. Thus, the proposed project would be compatible with existing and potential land uses in the area.

Pursuant to the NCZO, the proposed project is a stealth facility that will avoid significant visual impacts. Pursuant to Section 6409(a) of the Middle Class Tax Relief and Job Creation Act, the Permittee may expand the facility (by adding up to 20 feet in height) via a ministerial permit only if the proposed expansion would not defeat the stealth nature of the facility. Planning staff has determined that any future expansion requested under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act would defeat the stealth nature of the facility and could not be permitted with a ministerial permit; such a request would require a modification of the subject CUP.

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

6. The proposed development will occur on a legal lot (§ 8101-3.4 and § 8111-1.2.1.1f).

The proposed project site is located on a lot that is in compliance with the Subdivision Map Act, as detailed in recorded Certificate of Compliance No. CC14-03-892. Therefore, the proposed development will occur on a legal lot.

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 subject project site and placed a legal ad in the *Ventura County Star*. As of the date of this document, staff has received 4 public comments regarding the proposed project. The comments generally refer to a previous design. The comment letters addressed the following topics: notification regarding a public hearing, the visual impact of the towers, electromagnetic radiation, and construction activities at the water tank facilities. The comments are attached as Exhibit 7.

On September 29, 2015, the Oak Park Municipal Advisory Committee (MAC) considered the proposed project and voted 3-0 to recommend approval of the plan as designed (Exhibit 6).

G. RECOMMENDED ACTIONS

Based upon the preceding analysis and information provided, 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 § 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to approve a modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** Modified CUP No. LU10-0076, subject to the conditions of approval (Exhibit 5); and
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

If you have any questions concerning the information presented above, please contact Jay Dobrowalski at (805) 654-2498 or via e-mail at jay.dobrowalski@ventura.org.

Prepared by:

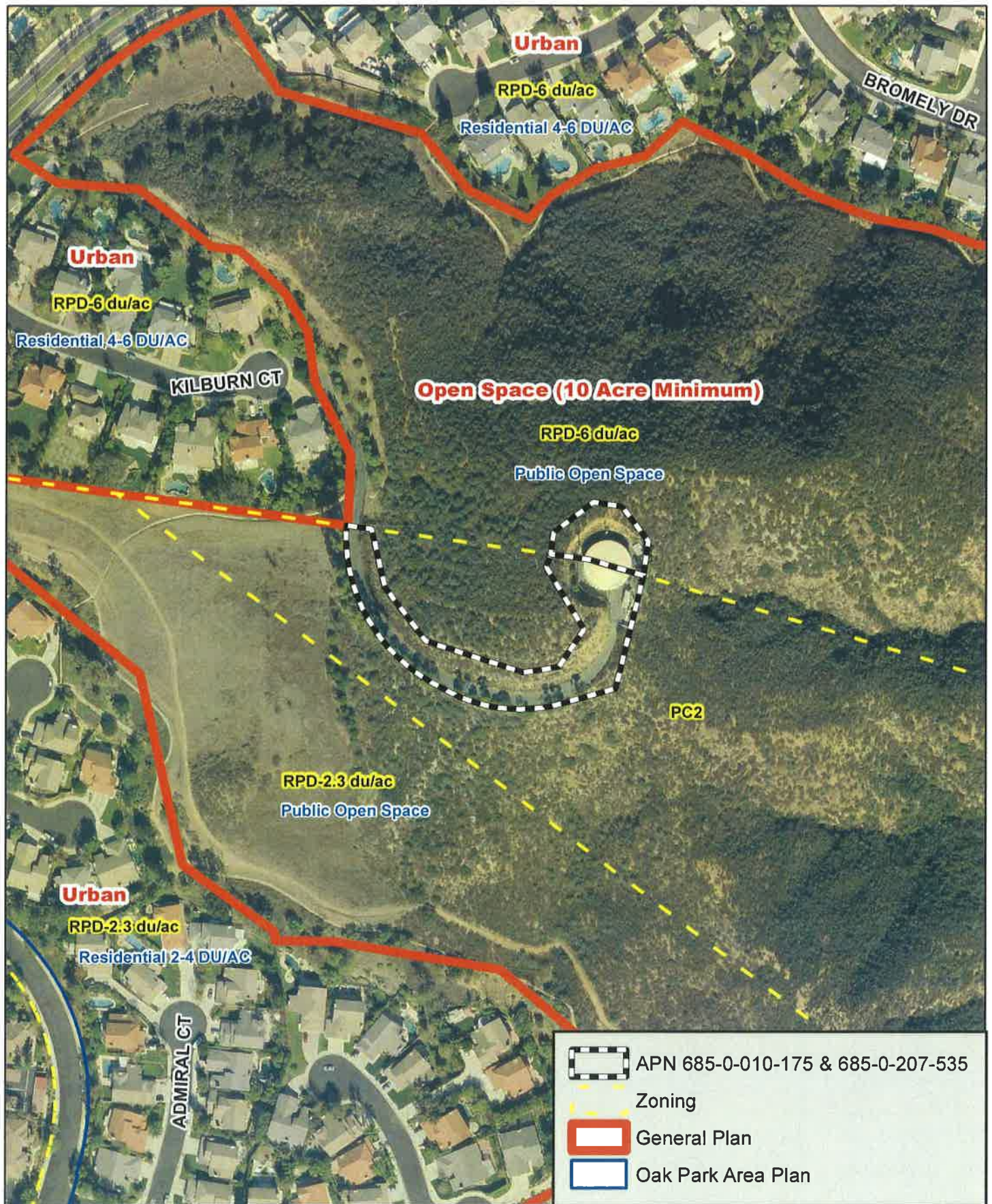

Jay Dobrowalski, Case Planner

Reviewed by:


Brian R. Baca, Manager
Commercial-Industrial Permits Section

EXHIBITS

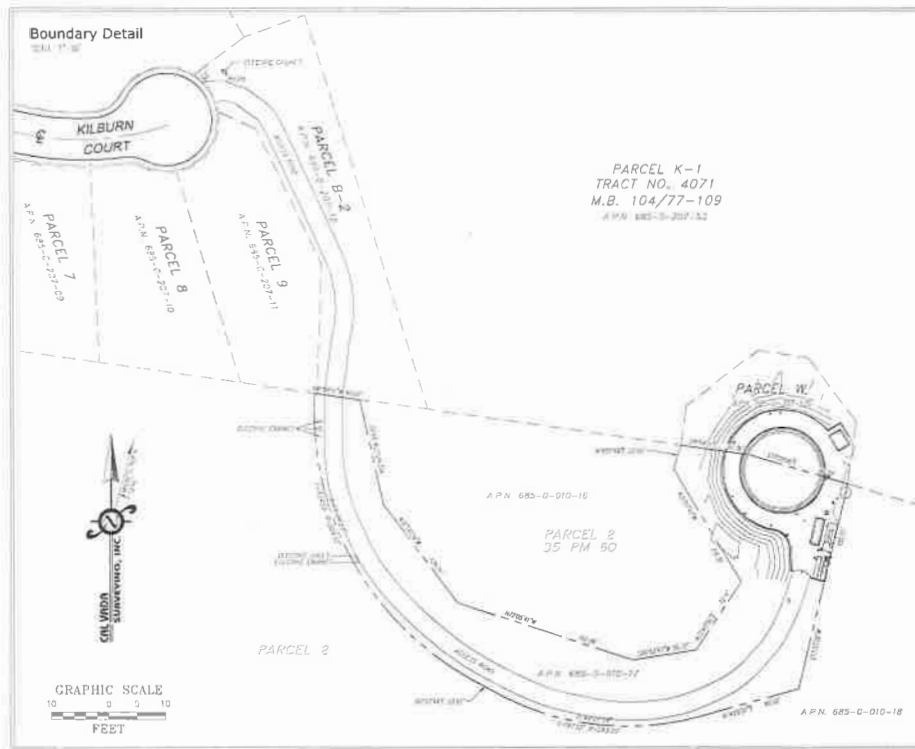
- Exhibit 2 – Location Map
- Exhibit 3 – Plans
- Exhibit 4 – Visual Simulations
- Exhibit 5 – Conditions of Approval
- Exhibit 6 – Oak Park MAC September 29, 2015 Minutes
- Exhibit 7 – Public comment letters



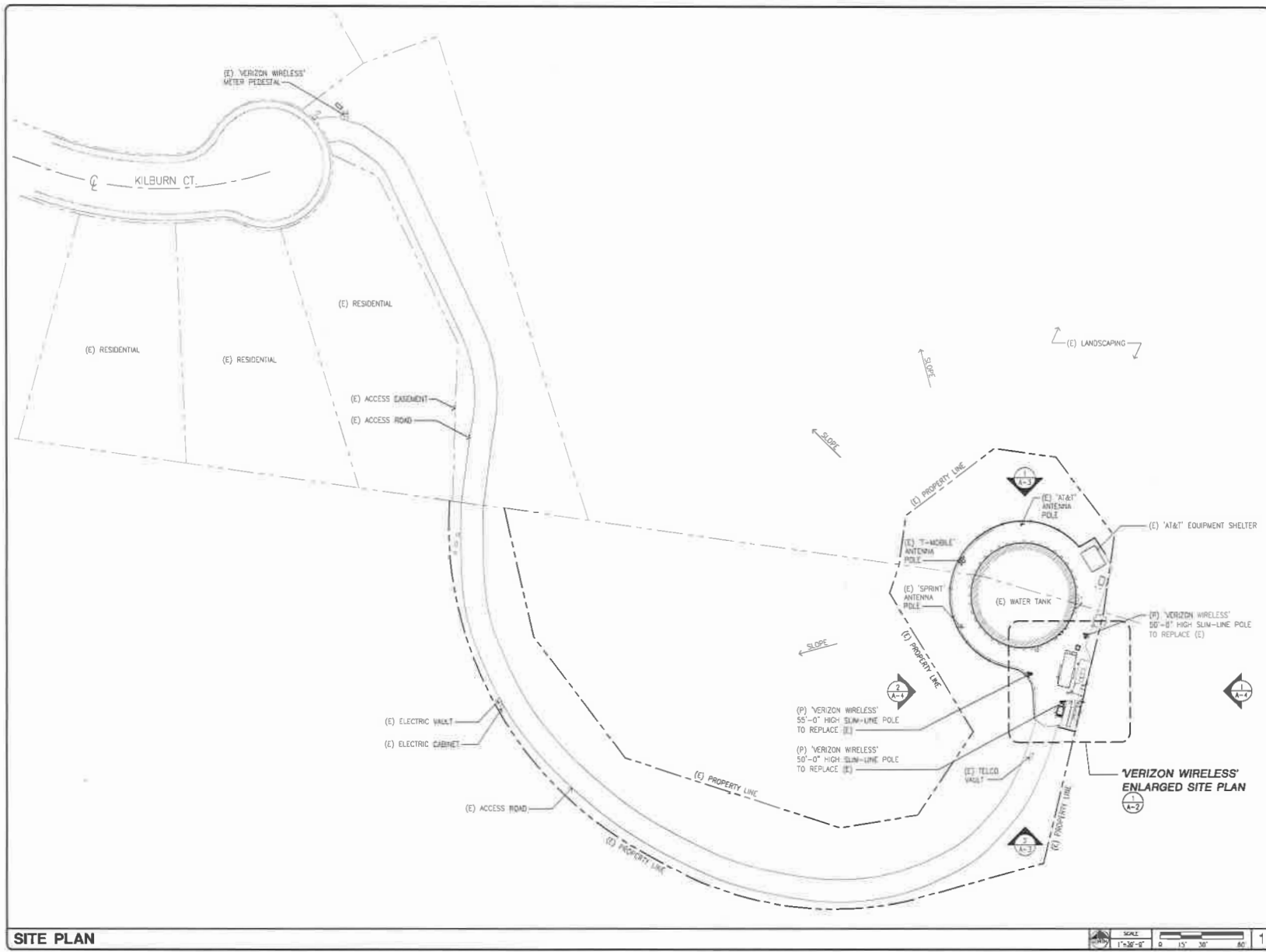
Ventura County
Resource Management Agency
Information Systems
This aerial imagery is under copyright
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Date Printed: 11/12/2012

County of Ventura
Planning Director Hearing
LU10-0076
Exhibit 2 – Location Map



18



REV	DATE	DESCRIPTION
1	08/10/15	ISSUED FOR PERMITS

ENGINEER / CONSULTANT

SITE SUBMITTAL

verizon

13000 NINE OAKS AVENUE
SUITE 200, FLOOR 110
MOUNTAIN VIEW, CALIFORNIA 92654
973-285-2500

AREA DEVELOPMENT

core

DEVELOPMENT SERVICES
AREA SERVICES
17400 S. Main Street
Brea, California 92621
(714) 779-6434 (714) 533-4411 fax
www.core.us.com

APPENDIX 2

core

DEVELOPMENT SERVICES
2740 S. Main Street
Brea, California 92621
(714) 779-6434 (714) 533-4411 fax
www.core.us.com

SITE INFORMATION

OAK PARK

1000 ADDRESS
4955 KILBURN CT
OAK PARK, CA 91377
VENTURA COUNTY

SHEET TITLE

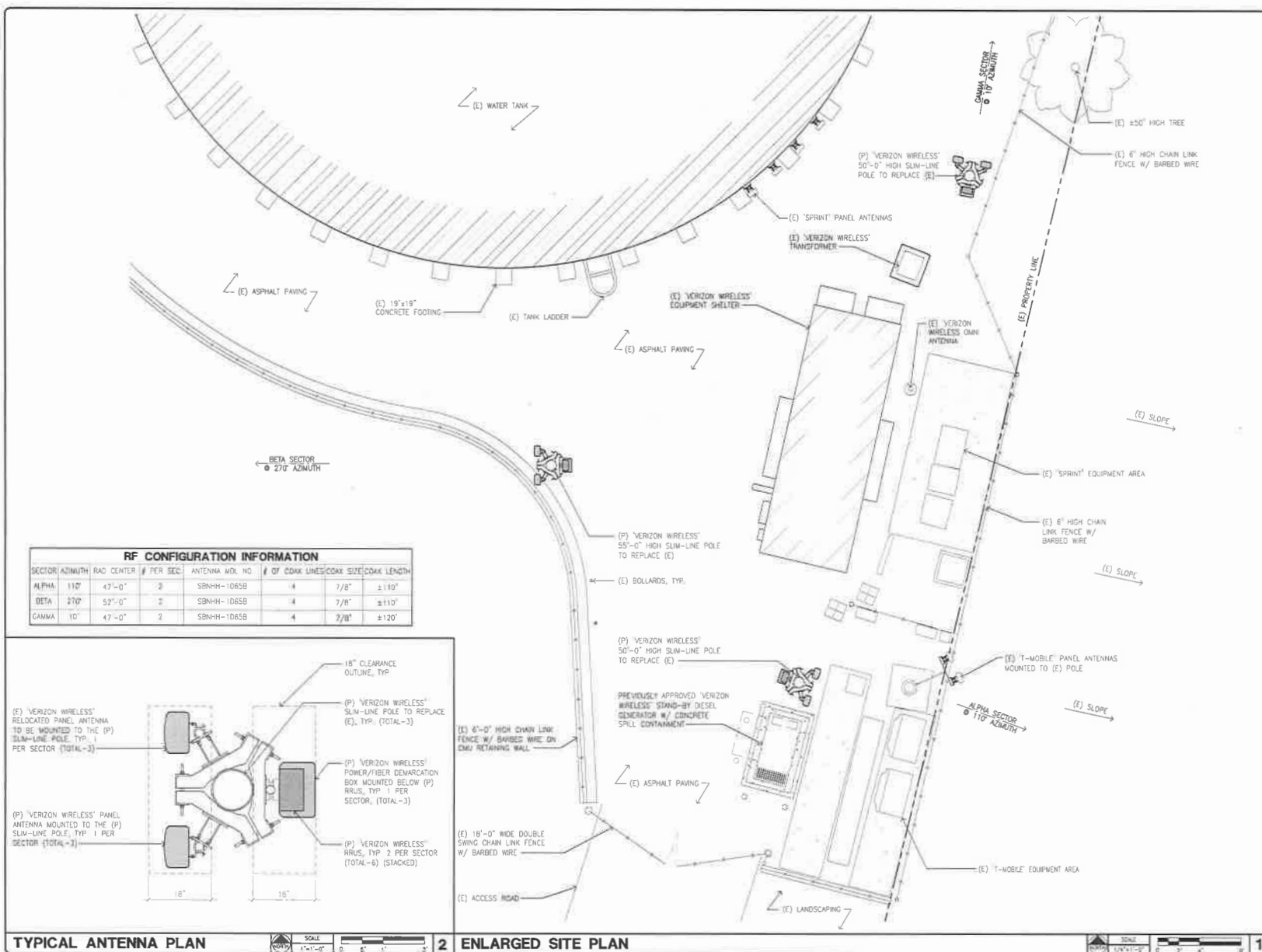
SITE PLAN

DRAWING INFORMATION

DRAWN BY	CHECKED BY	ISSUE DATE
JAW	SMR	07.27.15

SHEET NUMBER

A-1



REV	DATE/REV	DESCRIPTION
1	10/15/15	10/15/15 FOR 10/15/15

LOCKER / STORAGE UNIT

SITE BUILDER

verizon

7749 S. Main Street
Oak Park, CA 91377
(714) 233-4441

PMC DEVELOPMENT

core

DEVELOPMENT SERVICES
AKA SERVICES

2745 S. Main Street
Oak Park, CA 91377
(714) 233-4441

APPROPRIATE

core

DEVELOPMENT SERVICES

2745 S. Main Street
Oak Park, CA 91377
(714) 233-4441

SUB INFORMATION

OAK PARK

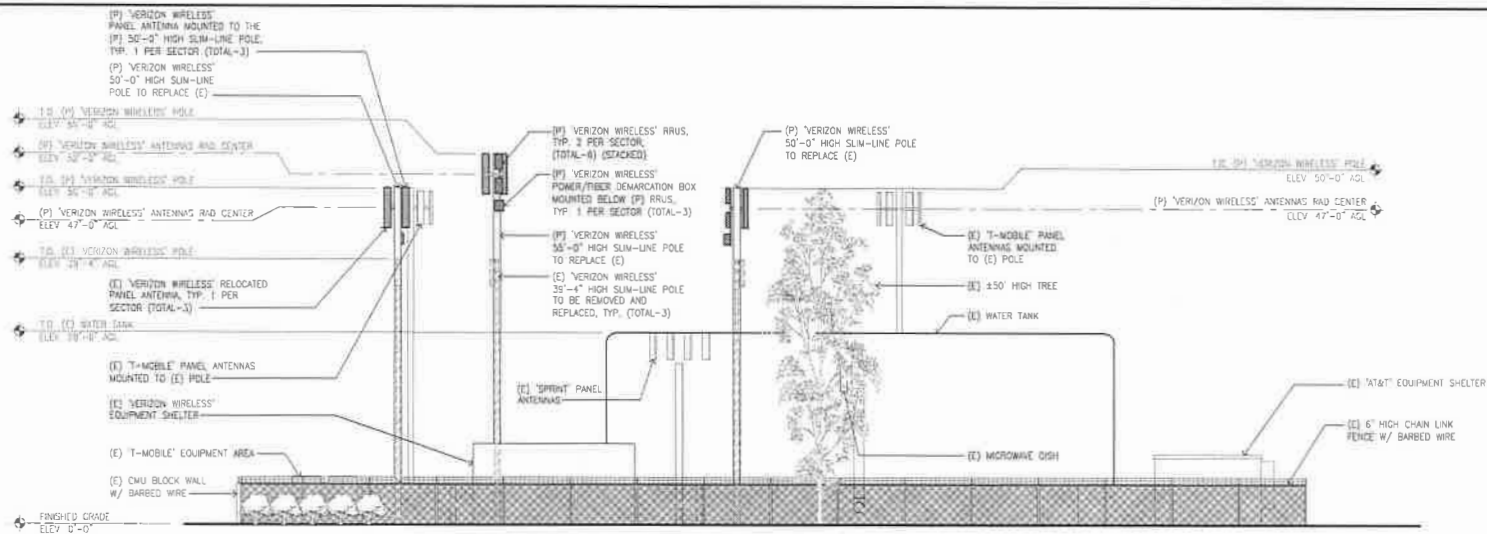
4996 KILBURN CT
OAK PARK, CA 91377

VENTURA COUNTY

ENLARGED SITE PLAN AND TYPICAL ANTENNA PLAN

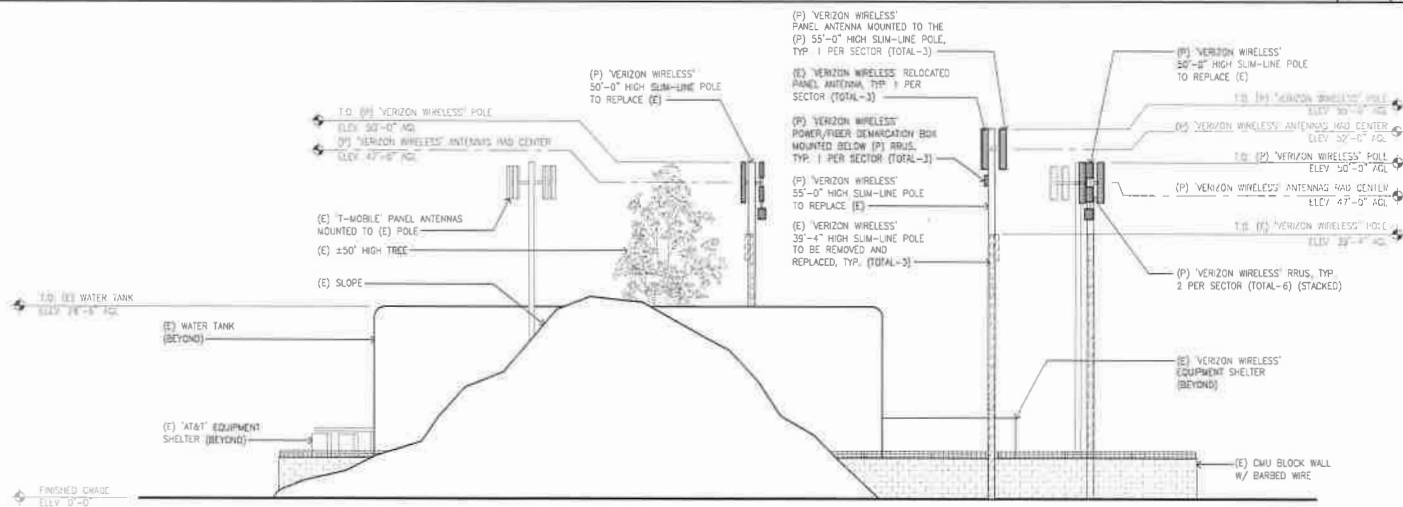
DATE	CHANGED BY	DATE
10/15/15	SMR	07/27/15

A-2



EAST ELEVATION

SCALE 1/8"=1'-0" 0' 2' 4' 6' 8' 10'



WEST ELEVATION

SCALE 1/8"=1'-0" 0' 2' 4' 6' 8' 10'

REV	DATE/BY	DESCRIPTION
1	REVISIONS	ISSUED FOR 100% PER

ENGINEER / CHECKED BY

SITE BORDER



15500 VAN ECKEN AVENUE
SUITE 200
ROSE, CALIFORNIA 94615
949.766.1000

AAE DEVELOPMENT



2740 Serrano Street
Santa Clara, California 95051
(415) 373-0400 (FAX) (415) 373-0401
www.coredev.com

REMARKS



2740 Serrano Street
Santa Clara, California 95051
(415) 373-0400 (FAX) (415) 373-0401
www.coredev.com

SITE INFORMATION

OAK PARK
4995 KILBURN CT
OAK PARK, CA 91377
VENTURA COUNTY

SHEET NO.

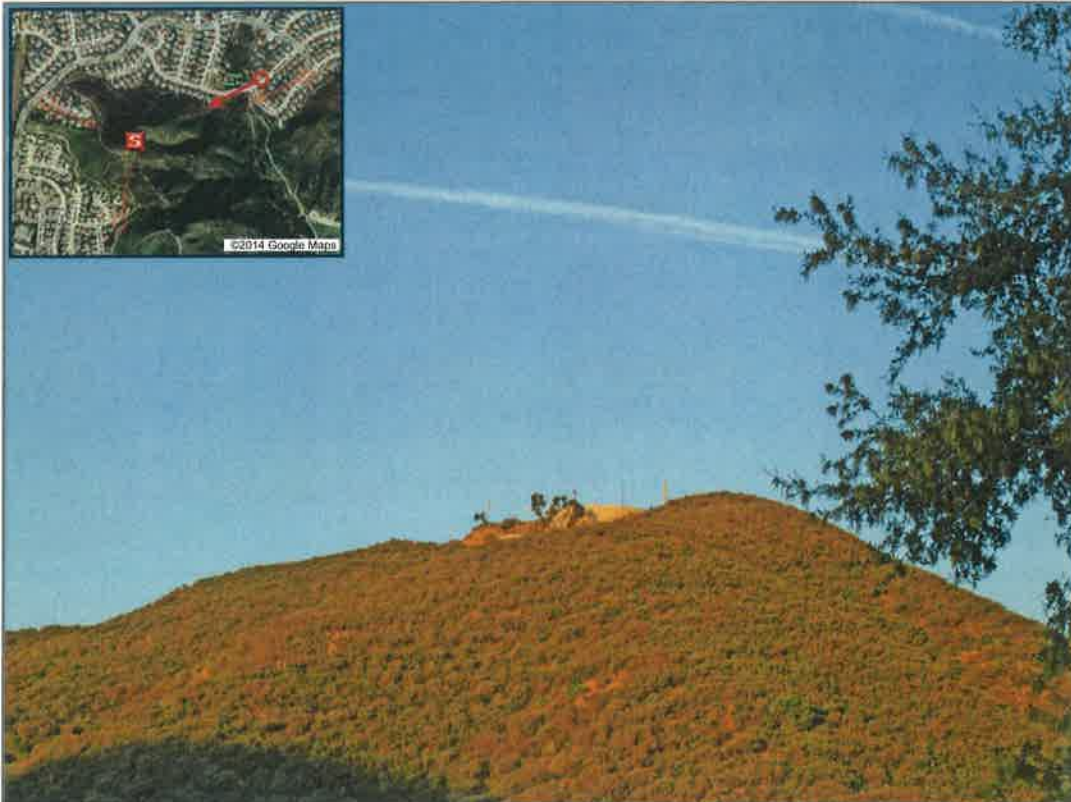
EAST & WEST ELEVATIONS

DRAWN BY	CHECKED BY	ISSUE DATE
JMM	SMR	07.27.15

SHEET NUMBER

A-4

VIEW 1



EXISTING



PROPOSED REPLACEMENT POLES WITH ANTENNAS

PROPOSED

LOOKING SOUTHWEST FROM BROMELEY DRIVE

ACCURACY OF PHOTO

VIEW 2



EXISTING



PROPOSED REPLACEMENT POLES WITH ANTENNAS

PROPOSED

LOOKING SOUTHWEST FROM NAPOLEON AVENUE

VIEW 3





EXISTING



PROPOSED LOOKING SOUTHEAST FROM KILBURN COURT

**EXHIBIT 5 – CONDITIONS OF APPROVAL FOR CONIDITIONAL USE PERMIT
(CUP) CASE NO. LU10-0076**

**These conditions supersede all previous conditions and exhibits of LU07-0037
and LU09-0034.**

Resource Management Agency Conditions

Planning Division

1. Permitted Land Uses: This permit authorizes design changes to, and the continued use of, an existing wireless communications facility. The existing wireless, unmanned communications facility consists of three monopole antennas and an equipment shelter located at the Kilburn Court water tank in Oak Park. The proposed project includes the replacement of the three existing 40 foot high monopoles with two 50 foot tall monopoles and one 55 foot tall monopole. Each pole will have two panel antennas, two remote radio units, and one demarcation box (the facility will have a total of six panel antennas, six remote radio units, and three demarcation boxes). The proposed project also includes: (1) the continued use of an existing equipment shelter that is approximately 120 square feet in floor area, and 12 feet in height; and (2) the installation of a previously approved 30 kilowatt emergency generator.
2. Acceptance of Conditions and Schedule of Enforcement Responses: The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:
 - Public reporting of violations to the Planning Commission and/or Board of Supervisors;
 - Suspension of the permitted land uses (Condition No. 1);
 - Modification of the CUP conditions listed herein;
 - Recordation of a "Notice of Noncompliance" with the deed to the subject property;
 - The imposition of administrative civil penalties; and/or
 - Revocation of this CUP.

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

- (2) The Permittee can demonstrate that the Permittee has continuously complied with all conditions of this CUP.
 - (3) The Permittee can demonstrate that the permitted uses remain compatible with the land uses in the general area.
 - (4) The Permittee can demonstrate that the permitted uses comply with the CUP approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director.
 - (5) The Planning Director reviews the modification application and provides a written determination of the decision on the requested time extension for this CUP.
- 4. CUP Modification: Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or applicable exhibits, the Permittee shall contact the Planning Director to determine if the activity requires a modification of this CUP. The Planning Director may, at the Planning Director's discretion, require that the Permittee file a written and/or mapped description of the proposed activity prior to rendering a decision on whether a CUP modification is required. If a CUP modification is required, the modification shall be subject to:
 - a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
 - b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §21000-21178) and the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, §15000-15387), as amended from time to time.
- 5. Consolidation of All Approved Exhibits, Conditions, and Permits: Prior to the issuance of a Use Inauguration Zoning Clearance, the Permittee shall provide the following in a form approved by the Planning Director:
 - a. Documentation to verify that all of the requirements of the conditions/programs that are required prior to issuance of a Use Inauguration Zoning Clearance have been satisfied; and,
 - b. Documentation to verify that all other entitlements and conditions imposed by any other agencies have been obtained or satisfied.

expires (Condition 3, above). Condition Compliance Account CC09-0022 shall serve as a revolving condition compliance and enforcement account to be used by Ventura County agencies to cover costs incurred by Ventura County for Condition Compliance review, monitoring and enforcement costs (Condition 8.a, above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below.)

If any of the information provided in the existing reimbursement agreement for Condition Compliance Account CC09-0022 is outdated and/or incorrect, prior to issuance of a Use Inauguration Zoning Clearance [Condition 3.a(2), above], the Permittee shall submit a new, signed reimbursement agreement with the updated and/or correct information. The reimbursement agreement obligates the Permittee to pay any Condition Compliance review, monitoring and enforcement costs (Condition 8.a, above). The reimbursement agreement also grants the Permittee the right to challenge any charges for Condition Compliance review, monitoring and enforcement costs.

- c. Monitoring and Enforcement Costs: The *Ventura County Non-Coastal Zoning Ordinance* (2010, §8114-3.4) requires the Permittee, or the Permittee's successors-in-interest, to bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said fees and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8114-3.4), as it may be amended.
- d. Billing Process: The Permittee shall pay any written requests to replenish the deposit made by the Planning Director or designee within 30 days of receipt of the request. If requested by the Permittee, requests for payment shall be accompanied by an accounting of how the deposited funds have been spent. Failure to pay the required amount, or to maintain the required deposit, shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or the reasonableness of any charge prior to payment.

9. Defense and Indemnity:

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

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. 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.

11. Consultant Review of Information and Consultant Work: The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

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

The Permittee may hire private consultants to conduct work required by the County, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under contract with the operator.

12. Relationship of CUP Conditions, Laws and Other Permits: The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended (e.g., County Business License Tax Ordinance), and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, or any lawful

16. Correspondence from Other Agencies and Jurisdictions: Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.
17. Site Maintenance: The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Use Inauguration Zoning Clearance. Only equipment, materials, and structures which comply with Condition No. 1 (Permitted Land Uses), or are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.
18. Change of Ownership: At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:
 - (a) Any changes in name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and company officer(s) from the initial notice;
 - (b) A letter from the new property owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP; and,
 - (c) The effective date and time of the transfer.
19. Archaeological and Paleontological Resources: In the event that archaeological or paleontological remains or artifacts are encountered during ground disturbance or construction activities, the Permittee shall implement the following procedures:
 - (a) If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;

20. Lighting: The facility equipment shelter shall not include any external lighting other than that required for equipment maintenance.
21. Minimizing Nuisance Impacts and Setbacks from Surrounding Uses: The Permittee shall take whatever reasonable steps are necessary, as determined by the Planning Director, to prevent significant nuisance impacts from occurring outside the CUP area. Significant nuisance impacts include, but are not limited to, noise, dust, odors, lighting, and glare. In order to determine the significance of the nuisance, the Planning Director may consider the number and types of neighbor complaints, and conduct inspections of the site and surrounding areas. Any questions about what constitutes significant off-site nuisance levels shall be resolved by the Planning Director or other public agency (e.g., the Air Pollution Control District) as the Planning Director may designate.
22. Manufacturer Specifications: Prior to the issuance of a Zoning Clearance for Use Inauguration, manufacturer specifications and models numbers of all existing tower, antenna and ancillary equipment (equipment cabinets and GPS antenna) shall be submitted to the Planning Director for approval.
23. Federal Communications Commission License Agreement: Prior to the Issuance of a Zoning Clearance for Use Inauguration, the Permittee and/or lessee shall provide to the Planning Division an approved and signed copy of the Federal Communications Commission License Agreement for this project. Said agreement shall include licensee contact information (Name of Wireless Company, contact person, phone number and address), Federal Communications Commission Registration Number (FRN) or lease identification number, site number and project address.
24. Future Co-location: Where technically feasible and visually desirable, the applicant shall cooperate with other telecommunications providers in co-locating compatible antenna facilities on this site.
25. Removal of Facility for Abandonment of Use and/or Expiration of Permit: Upon expiration of this permit, or abandonment of the use, the premises shall be restored by the Permittee to the conditions existing prior to the issuance of the permit, as nearly as practicable as determined by Planning Director.
26. Construction Hours: All project related outdoor construction shall be limited to the following hours: from 7:00am to 6:00pm Monday through Saturday.

Environmental Health Division

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

EXHIBIT 5 – CONDITIONS OF APPROVAL FOR CONIDITIONAL USE PERMIT (CUP) CASE NO. LU10-0076

These conditions supersede all previous conditions and exhibits of LU07-0037 and LU09-0034.

Resource Management Agency Conditions

Planning Division

1. Permitted Land Uses: The applicant requests that a modified Conditional Use Permit (CUP) be granted to authorize the continued use, and design changes in, an existing wireless communications facility. The existing unmanned wireless communications facility consists of three monopole antennas and an equipment shelter located at the water tank located above Kilburn Court in the Oak Park area. The proposed project includes the replacement of the three existing 40-foot tall monopoles with two 50-foot tall, slimline monopoles and one 55-foot tall, slimline monopole. Each pole will have two panel antennas, two remote radio units, and one demarcation box. The facility will have a total of six panel antennas, six remote radio units, and three demarcation boxes. The proposed project also includes: (1) the continued use of an existing 12-foot tall equipment shelter that occupies approximately 120 square feet of ground area, and (2) the installation of a previously approved 30-kilowatt emergency generator.
2. Acceptance of Conditions and Schedule of Enforcement Responses: The Permittee's acceptance of this CUP and/or commencement of construction and/or operations under this CUP shall be deemed to be acceptance by the Permittee of all conditions of this CUP. Failure to abide by and faithfully comply with any conditions for the granting of this CUP shall constitute grounds for the implementation of enforcement procedures as provided in the *Ventura County Non-Coastal Zoning Ordinance* (2010, Article 14), which include, but are not limited to, the following actions:
 - Public reporting of violations to the Planning Commission and/or Board of Supervisors;
 - Suspension of the permitted land uses (Condition No. 1);
 - Modification of the CUP conditions listed herein;
 - Recordation of a "Notice of Noncompliance" with the deed to the subject property;
 - The imposition of administrative civil penalties; and/or
 - Revocation of this CUP.

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

3. Time Limits:

a. Use Inauguration:

- (1) The decision on this CUP becomes effective upon the expiration of the decision's appeal period, or when any appeals filed regarding the decision on this CUP are resolved. After the decision on this CUP becomes effective, the Permittee must obtain a Use Inauguration Zoning Clearance in order to inaugurate the uses provided in Condition No. 1 (Permitted Land Uses).
- (2) This CUP shall expire and become null and void if the Use Inauguration Zone Clearance has not been issued within one year from the granting of this CUP (*Ventura County Non-Coastal Zoning Ordinance*, 2010, §8111-4.7). The Planning Director may grant a one year extension of time to obtain the Use Inauguration Zoning Clearance if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one year expiration date.
- (3) Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.

b. Operations Period: The use granted by this CUP will expire on February 12, 2019, which is the expiration date for LU07-0037. Failure of the County to provide additional notification to the Permittee of the expiration date shall not constitute grounds for continuance of this CUP after the expiration date. The Planning Director may grant a time extension for this CUP, provided that:

- (1) The Permittee files an application for a modification to this CUP prior to the expiration date. The Permittee is encouraged to contact the Planning Division at least six months prior to the expiration date to determine the type of modification application that is required to allow the extension. If the Permittee submits an appropriate modification application prior to the expiration date, this CUP may continue in force until action is taken on the modification, and on any appeals.

- (2) The Permittee can demonstrate that the Permittee has continuously complied with all conditions of this CUP.
 - (3) The Permittee can demonstrate that the permitted uses remain compatible with the land uses in the general area.
 - (4) The Permittee can demonstrate that the permitted uses comply with the CUP approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director.
 - (5) The Planning Director reviews the modification application and provides a written determination of the decision on the requested time extension for this CUP.
- 4. CUP Modification: Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions or applicable exhibits, the Permittee shall contact the Planning Director to determine if the activity requires a modification of this CUP. The Planning Director may, at the Planning Director's discretion, require that the Permittee file a written and/or mapped description of the proposed activity prior to rendering a decision on whether a CUP modification is required. If a CUP modification is required, the modification shall be subject to:
 - a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
 - b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §21000-21178) and the State CEQA Guidelines (Title 14, California Code of Regulations, Chapter 3, §15000-15387), as amended from time to time.
- 5. Consolidation of All Approved Exhibits, Conditions, and Permits: Prior to the issuance of a Use Inauguration Zoning Clearance, the Permittee shall provide the following in a form approved by the Planning Director:
 - a. Documentation to verify that all of the requirements of the conditions/programs that are required prior to issuance of a Use Inauguration Zoning Clearance have been satisfied; and,
 - b. Documentation to verify that all other entitlements and conditions imposed by any other agencies have been obtained or satisfied.

Within 30 days of any subsequent modifications of a permit or submission of an application for any permit, the applicable materials in revised form shall be submitted to the Planning Director.

6. Notice of CUP Requirements: Unless otherwise required by the Planning Director, the Owner(s) of record, the contractors, and all other parties and vendors regularly dealing with the daily operation of the proposed activities shall be informed, in writing, by the Permittee of the pertinent conditions of this CUP.
7. Recorded "Notice of Land Use Entitlement": Prior to the issuance of a Use Inauguration Zoning Clearance, and in accordance with the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8111-8.3), the Permittee and property owner of record shall sign, have notarized, and record with the Office of the County Recorder, a "Notice of Land Use Entitlement" form furnished by the Planning Division, for each legal parcel within the project site. The "Notice of Land Use Entitlement" is to inform the present and future owners of the property on which the CUP site is located that: the affected real property has been granted a CUP which contains certain conditions for the operation and maintenance of the property; and, the purchaser of the real property should be aware of those conditions. The Permittee shall submit a copy of the recorded "Notice of Land Use Entitlement" to the Planning Division to be filed with, and made part of, the case file.
8. Condition Compliance, Enforcement, and Other Responsibilities:
 - a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by maintaining revolving Condition Compliance Account CC06-0108 as described below in Condition 8.b. Specifically, the Permittee shall bear the full costs of the following:
 - (1) Condition Compliance, which is defined herein to include, but is not limited to, the staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, ongoing permit condition compliance review, and CEQA Mitigation Monitoring/other monitoring programs; and,
 - (2) Monitoring and enforcement costs, and any related fines or penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended. (Refer to Condition 8.c, below.)
 - b. Maintenance of Revolving Condition Compliance Account CC09-0022: Condition Compliance Account CC09-0022 was established pursuant to CUP LU07-0037, Condition No. 5 and shall be maintained until this CUP

expires (Condition 3, above). Condition Compliance Account CC09-0022 shall serve as a revolving condition compliance and enforcement account to be used by Ventura County agencies to cover costs incurred by Ventura County for Condition Compliance review, monitoring and enforcement costs (Condition 8.a, above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended (Condition 8.c, below.)

If any of the information provided in the existing reimbursement agreement for Condition Compliance Account CC09-0022 is outdated and/or incorrect, prior to issuance of a Use Inauguration Zoning Clearance [Condition 3.a(2), above], the Permittee shall submit a new, signed reimbursement agreement with the updated and/or correct information. The reimbursement agreement obligates the Permittee to pay any Condition Compliance review, monitoring and enforcement costs (Condition 8.a, above). The reimbursement agreement also grants the Permittee the right to challenge any charges for Condition Compliance review, monitoring and enforcement costs.

- c. Monitoring and Enforcement Costs: The *Ventura County Non-Coastal Zoning Ordinance* (2010, §8114-3.4) requires the Permittee, or the Permittee's successors-in-interest, to bear the full costs incurred by the County or its contractors for inspection and monitoring, and for enforcement activities related to the resolution of confirmed violations. Enforcement activities shall be in response to confirmed violations and may include such measures as inspections, public reports, penalty hearings, forfeiture of securities, and suspension of this CUP. Costs will be billed at the contract rates in effect at the time enforcement actions are required. The Permittee shall be billed for said fees and penalties pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (2010, §8114-3.4), as it may be amended.
- d. Billing Process: The Permittee shall pay any written requests to replenish the deposit made by the Planning Director or designee within 30 days of receipt of the request. If requested by the Permittee, requests for payment shall be accompanied by an accounting of how the deposited funds have been spent. Failure to pay the required amount, or to maintain the required deposit, shall be grounds for suspension, modification, or revocation of this CUP. The Permittee shall have the right to challenge any charge or the reasonableness of any charge prior to payment.

9. Defense and Indemnity:

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

- (1) Defend, at the Permittee's sole expense, any action brought against the County by a third party challenging either its decision to issue this CUP or the manner in which the County is interpreting or enforcing the conditions of this CUP; and,
 - (2) Indemnify the County against any settlements, awards, or judgments, including attorney's fees, arising out of, or resulting from, any such action. Upon demand from the County, the Permittee shall reimburse the County for any court costs and/or attorney's fees which the County may be required by a court to pay as a result of any such action the Permittee defended or had control of the defense of the suit. The County may, at its sole discretion, participate in the defense of any such action, but such participation shall not relieve the Permittee of the Permittee's obligations under this condition.
 - b. Neither the issuance of this CUP nor compliance with the conditions thereof shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property, nor shall the issuance of this CUP serve to impose any liability upon the County of Ventura, its officers, or employees for injury or damage to persons or property.
 - c. Except with respect to the County's sole negligence or intentional misconduct, the Permittee shall indemnify, defend, and hold harmless the County, its officers, agents, and employees from any and all claims, demands, costs, and expenses, including attorney's fees, judgments, or liabilities arising out of the construction, maintenance, or operations described in Condition No. 1 (Permitted Land Uses), as it may be subsequently modified pursuant to the conditions of this CUP.
10. Invalidation of Condition(s): If any of the conditions or limitations of this CUP are held to be invalid, that holding shall not invalidate any of the remaining conditions or limitations set forth. In the event that any condition contained herein is determined to be in conflict with any other condition contained herein, then where principles of law do not provide to the contrary, the conditions most protective of public health and safety and natural environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

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

If any condition is invalidated by a court of law, and said invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, the project may be reviewed, at the discretion of the Planning Director, by the Planning Commission and substitute feasible conditions/mitigation measures may be imposed to adequately address the subject matter of the invalidated condition. The determination of adequacy shall be made by the Planning Commission. 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.

11. Consultant Review of Information and Consultant Work: The County and all other permitting agencies shall have the option of referring any and all special studies that may be required by these conditions to an independent and qualified consultant for review and evaluation of issues beyond the expertise or manpower of County staff.

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

The Permittee may hire private consultants to conduct work required by the County, provided the consultant and the proposed scope-of-work are acceptable to the County. However, the County retains the right to hire its own consultants to evaluate any work undertaken by the operator or consultants under contract with the operator.

12. Relationship of CUP Conditions, Laws and Other Permits: The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended (e.g., County Business License Tax Ordinance), and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, or any lawful

rules or regulations or orders of an authorized governmental agency. Neither the issuance of this CUP nor compliance with the conditions of this CUP shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

13. Contact Person: Prior to the issuance of the Use Inauguration Zoning Clearance, the Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, phone number, mailing and email addresses, and business and cell phone numbers) of the Permittee's field agent and other representatives who receive all orders, notices, and communications regarding matters of condition and code compliance at the CUP site. There always shall be a contact person designated by the Permittee. If deemed necessary by the Planning Director, one contact person shall be available via telecommunication, 24 hours a day, to respond to complaints by citizens and the County. If the address or phone number of the Permittee's agent should change, or the responsibility is assigned to another person or position, the Permittee shall provide the Planning Director with the new information within three calendar days.
14. Resolution of Complaints: The following process shall be used to resolve complaints related to the project:
 - a. The Permittee shall post the phone number for the designated Contact Person as identified pursuant to Condition No. 13 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about an event as it is occurring may directly contact the Contact Person.
 - b. If the County receives a written complaint, Planning Division staff will contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
 - c. If, following a complaint investigation, a violation of the Ventura County Ordinance Code or a condition of this permit is confirmed, enforcement actions pursuant to the Ventura County Non-Coastal Zoning Ordinance (§8114-3 et seq.) will be initiated.
15. Reporting of Major Incidents: 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. Upon request of any County agency, the Permittee shall provide a written report of any incident within seven calendar days that shall include, but not be limited to, a description of the facts of the incident, the corrective measures used, and the steps taken to prevent a recurrence of the incident.

16. Correspondence from Other Agencies and Jurisdictions: Copies of all correspondence, reports, or information related to land use and environmental issues covered by this CUP which are received by the Permittee from, or sent by the Permittee to, other State or local jurisdictions or agencies shall be provided to the Planning Division within five calendar days of their receipt/issuance.
17. Site Maintenance: The CUP area shall be maintained in a neat and orderly manner so as not to create any hazardous condition, or unsightly conditions which are visible from outside the CUP area on surrounding properties or from any public right-of-way. All equipment and facilities not explicitly permitted in Condition No. 1 (Permitted Land Uses) shall be removed from the site prior to the issuance of a Use Inauguration Zoning Clearance. Only equipment, materials, and structures which comply with Condition No. 1 (Permitted Land Uses), or are authorized by any subsequent amendments to this CUP, shall be stored on the property during the life of this CUP.
18. Change of Ownership: At least 10 calendar days prior to the effective date of the change of property ownership, or of lessee(s) or operator(s) of the permitted uses, there shall be filed, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). A final statement that a transfer of ownership has occurred shall be provided to the Planning Director within 15 calendar days of the transfer. The statement shall include the following:
 - (a) Any changes in name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and company officer(s) from the initial notice;
 - (b) A letter from the new property owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP; and,
 - (c) The effective date and time of the transfer.
19. Archaeological and Paleontological Resources: In the event that archaeological or paleontological remains or artifacts are encountered during ground disturbance or construction activities, the Permittee shall implement the following procedures:
 - (a) If any archaeological or historical artifacts are uncovered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;

- (2) Notify the Planning Director in writing, within three days of the discovery;
 - (3) Obtain the services of a County-approved archaeologist who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.
- (b) If any human burial remains are encountered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Immediately notify the Sheriff and the Planning Director;
 - (3) Obtain the services of a County-approved archaeologist and, if necessary, Native American Monitor(s), who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development on-site.
- (c) If any paleontological remains are uncovered during ground disturbance or construction activities, the Permittee shall:
 - (1) Cease operations and assure the preservation of the area in which the discovery was made;
 - (2) Notify the Planning Director in writing, within three days of the discovery;
 - (3) Obtain the services of a County-approved paleontologist who shall assess the find and provide recommendations on the proper disposition of the site; and,
 - (4) Obtain the Planning Director's written concurrence of the recommended disposition before resuming development.

20. Lighting: The facility equipment shelter shall not include any external lighting other than that required for equipment maintenance.
21. Minimizing Nuisance Impacts and Setbacks from Surrounding Uses: The Permittee shall take whatever reasonable steps are necessary, as determined by the Planning Director, to prevent significant nuisance impacts from occurring outside the CUP area. Significant nuisance impacts include, but are not limited to, noise, dust, odors, lighting, and glare. In order to determine the significance of the nuisance, the Planning Director may consider the number and types of neighbor complaints, and conduct inspections of the site and surrounding areas. Any questions about what constitutes significant off-site nuisance levels shall be resolved by the Planning Director or other public agency (e.g., the Air Pollution Control District) as the Planning Director may designate.
22. Manufacturer Specifications: Prior to the issuance of a Zoning Clearance for Use Inauguration, manufacturer specifications and models numbers of all existing tower, antenna and ancillary equipment (equipment cabinets and GPS antenna) shall be submitted to the Planning Director for approval.
23. Federal Communications Commission License Agreement: Prior to the Issuance of a Zoning Clearance for Use Inauguration, the Permittee and/or lessee shall provide to the Planning Division an approved and signed copy of the Federal Communications Commission License Agreement for this project. Said agreement shall include licensee contact information (Name of Wireless Company, contact person, phone number and address), Federal Communications Commission Registration Number (FRN) or lease identification number, site number and project address.
24. Future Co-location: Where technically feasible and visually desirable, the applicant shall cooperate with other telecommunications providers in co-locating compatible antenna facilities on this site.
25. Removal of Facility for Abandonment of Use and/or Expiration of Permit: Upon expiration of this permit, or abandonment of the use, the premises shall be restored by the Permittee to the conditions existing prior to the issuance of the permit, as nearly as practicable as determined by Planning Director.
26. Construction Hours: All project related outdoor construction shall be limited to the following hours: from 7:00am to 6:00pm Monday through Saturday.
27. Construction Equipment: The Permittee, and any contractor retained by the Permittee, shall not park (or cause to be parked) heavy construction equipment (such as portable cranes, pile-drivers, concrete trucks, etc.) on the public right-of-way of Kilburn Court unless prior written authorization is obtained from the County Public Works Agency Transportation Department.

Environmental Health Division

28. The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.
29. Prior to the issuance of a Zoning Clearance, the Permittee must contact the Hazardous Materials section of the Environmental Health Division to obtain all necessary permits (Business Plan).

Air Pollution Control District (VCAPCD) Conditions

30. All project construction and site preparation operations shall comply with all applicable VCAPCD Rules and Regulations which include but are not limited to Rule 10 (Permits Required), Rule 50 (Opacity), Rule 51 (Nuisance), and Rule 55 (Fugitive Dust).

Ventura County Fire Protection District (VCFPD) Conditions

31. The Permittee shall obtain all applicable International Fire Code (IFC) permits prior to occupancy or use of any system or item requiring an IFC permit (Flammable Liquids permit for diesel fuel storage).
32. The applicant shall obtain VCFD Form #126 "Requirements for Construction" prior to obtaining a building permit for any new structures or additions to existing structures.
33. The applicant shall obtain a Fire Code Permit, prior to use, of any stationary lead – acid battery system having a liquid capacity of more than 50 gallons or if any individual lead-acid batteries exceed 20 gallons each.
34. Portions of this development may be in a Hazardous Watershed Fire Area and those structures shall meet hazardous fire area building code requirements.
35. A minimum 100 foot brush clearance shall be maintained from all structures and equipment and a minimum 10 foot brush clearance shall be maintained along each side of the access road.
36. Any gates to control vehicle access are to have a minimum clear open width of 20 feet. If gates are locked, a Knox system shall be installed.
37. Fire extinguishers shall be installed in accordance with the Uniform Building Code. The placement of extinguishers shall be subject to review by the Fire District.

preparedness. She asked for help to better incorporate Oak Park churches and apartment complexes into CERT programming and into disaster preparedness generally.

b.) MAC recommendation, replacing delineators and patching and repainting the berms in the middle of Doubletree along Medea Creek Middle School, at a cost between \$1500-2000, funded by CSA #4

The Transportation Department agreed to do the work without charge to the CSA #4.

8. Public comments

There were none.

9. Council comments

Michael Paule commented on the early start of school this year in Oak Park, the opening of new businesses, and an October event of the Conejo Valley Futures Foundation. He said that the Triunfo Sanitation District's automated meter installation was completed, and that residents could register online to track their water usage.

Mike McReynolds commented on attending a September community meeting organized by the Watershed Protection District about run-off water quality problems and solutions. He reported that the meeting provided evaluations of all alternatives and community suggestions given to county staff with regard to the Kanan Road biofiltration project that was awarded State funding in the past year. He said that it was a great meeting. He said that the result of the analyses showed the proposed bioswale to be the only option to completely meet project objectives. He said that the Triunfo Sanitation District Board continued to study new water allocation options.

Frankie Alchanati spoke about the early start of the school year, and commented that she would try to encourage the high school student paper to do an article about improving traffic safety.

10. Written communications

MAC members reported they received written information about the Doubletree delineators and the Mountains Restoration Trust crayfish trapping statistics.

11. Advisory Matters

a. MAC recommendation, Verizon application LU10-0076 for a Modified Conditional Use Permit (CUP) for Redesign and Continued Use of Existing Wireless Communication Facility, at Kilburn water tank, 4996 Kilburn Court; with Ventura County Planning staff

Ventura County Planning staff members ***Brian Baca and Jay Dobrowski*** answered questions about the project along with Verizon representative ***Eric Whiting***. ***Brian Baca*** explained the three year delay in the company's completion of the application process for this project with the Oak Park MAC as a result of the company's need to first legalize the lot it was using at the water tank site. ***Michael Paule*** made a motion, seconded by ***Mike Mc Reynolds*** and approved 3-0, to recommend approval of the plan as designed, subject to the construction conditions acceptable to the HOA. ***Michael Paule*** made a motion, seconded by ***Robert Von Schneidau*** and approved 3-0, to recommend that the Morrison-Sutton HOA and residents on streets affected by the project, including Napoleon, Bromley, Golden Nugget, and Kilburn Court, receive notifications about the project.

b. MAC recommendation, addition of school crossing guards, Deerhill at Doubletree, and Kanan at Doubletree, at annual cost of \$9100 each, funded by CSA #4

Martin Klauss and **Principal Kevin Buchanan** from OPUSD answered questions about the need for the crossing guards. **Mike Mc Reynolds** made a motion to recommend paying for two guards from the CSA #4 budget. The motion died for the lack of a seconding motion. Then the MAC approved 3-0 on a motion by **Mike Mc Reynolds** seconded by **Robert Von Schneidau** to recommend funding for the guard at Deerhill and Doubletree, and having the School District come back later with more information about the need for the second guard.

c. MAC recommendation, Standing Landscape Committee update and recommendations
Michael Paule reported that turf would be removed in areas by the intersection of Rockfield and Lindero Canyon Road, and at Golden Eagle. Both areas were irrigated with potable water.

d. MAC recommendation, replacing delineators and patching and repainting the berms in the middle of Doubletree along Medea Creek Middle School, at cost between \$1500-2000, funded by CSA #4
(moved to Information Items section of the agenda and covered under Supervisor Parks' Comments)

e. MAC recommendation, dates for 2015/16 MAC meetings
Dates were approved 3-0 on a motion by **Michael Paule** seconded by **Robert Von Schneidau**. The schedule is attached.

12. Adjournment

The Vice Chair adjourned the meeting at 9:11 PM.

From: Daniel Klemann
To: Macaluso, Yvette
CC: Dobrowalski, Jay
Date: 01/27/2011 4:45 PM
Subject: Re: Verizon Cell Towers in Oak Park

Good Afternoon, Ms. Macaluso:

No problem--I am copying Mr. Dobrowalski, the case planner, on this email so that he can include you on the notification list for this project. You will receive a copy of the public notice that is sent out 10 days prior to the Planning Director's hearing for this project.

If you have any questions about the project or would like any of the application materials for this project (e.g., plans or photo simulations), feel free to contact Mr. Dobrowalski using his email in the "cc" line to this email, or at (805) 654-2498.

Best.

Dan Klemann, M.A., Manager, Commercial and Industrial Permits Section
County of Ventura, Resource Management Agency, Planning Division
800 S. Victoria Avenue, L#1740
Ventura, CA 93009
(805) 654-3588 phone
(805) 654-2509 fax
daniel.klemann@ventura.org

>>> "Yvette Macaluso" <yvette.macaluso@yahoo.com> 01/27/2011 8:47 AM >>>
Dear Mr. Klemann,

I am a resident in Oak Park and was in attendance at the MAC meeting this past Tuesday. I would like to be informed of when the county hearing regarding the Verizon cell towers in Oak Park is going to take place. My contact information is as follows:

Phone: 818-416-2839
E-mail: yvette.macaluso@yahoo.com

Best,

Yvette Macaluso

Jay Dobrowalski - Against Cell Towers Project at Oak Park

From: "David Wu" <cwu168@gmail.com>
To: <jay.dobrowalski@ventura.org>
Date: 11/22/2010 10:40 AM
Subject: Against Cell Towers Project at Oak Park

Dear Jay,

I live Kilburn Ct of Oak Oak very close to the cell towers project.

Those cell towers are ugly and detrimental to our beautiful community. The cell companies are consistently making construction noisy in our neighborhood. Not to mention the potential health risks caused by the cell towers.

Please vote against any additional cell tower project or any modification to the existing cell towers.

Thanks and Best Regards,

David Wu (□□□)
Cell (818) 324-1336

From: "Jim Powers" <jpowers@interlog.com>
To: <m.greenop@yahoo.com>, <mike_mcreynolds@yahoo.com>, <mikep@dssi.com>, <d...
CC: <Linda.Parks@ventrua.org>, <Jan.Osterhaven@ventura.org>
Date: 01/25/2011 6:43 PM
Subject: Kilburn Court Cell Towers

Thank you for supporting our community by questioning the placement of cellular towers in Oak Park. Residential neighborhoods are not acceptable locations for massive cellular towers. We must consider the impact on the people who live in the immediate area.

A key safety issue with regards to the cellular towers pertains to the health of our community. Kilburn Court is a street of families with children of all ages. The health and safety of these children must be taken into consideration. How can the effects of electromagnetic radiation not be taken into account when making these decisions?

I realize that any debate surrounding the safety of cell phone towers is entirely pointless. As we know, the FCC does not currently allow you to take health and safety into consideration when making your decision to approve the construction of a cellular tower.

It is my understanding that the current Telecommunication Act of 1996 is up for review. There may be revisions made to it as early as next month. Hopefully, these changes will take into account the health of the people that live in the immediate vicinity of cell towers. Let's not allow the construction to be pushed forward before we know what these laws are.

Currently, we are left to express our opposition to these towers in a far less compelling manner. Yes, they are unsightly. Yes, they dig up our road. Yes, we are concerned about our property values. But unless you live on Kilburn Court, who really cares, right?

There has been absolutely no beautification work done as part of any of the existing construction. They haven't even properly fixed the surface of our street, which is now a patchwork of asphalt and concrete. No consideration is given to the immediate community that they are affecting. Could we not insist that trees be added to the top of the hill to block at least some of these hideous towers?

In the mean time, it is imperative that we support each other in making good, solid and ethical decisions. Let's not forget about the future when making decisions on short term interests and economic gains.

We are a community of families. Let's continue that tradition.

The Powers Family
4936 Kilburn Court
Oak Park, CA 91377

Jay Dobrowalski - Re: Cell Tower proposal for Oak Park

From: Miriam <m.yin@att.net>
To: <m.greenop@yahoo.com>, <jan.osterhaven@ventura.org>, <jay.dobrowalski@ve...>
Date: 01/23/2011 8:55 PM
Subject: Re: Cell Tower proposal for Oak Park
Attachments: Kilburn view2.jpg; Kilburn view1.jpg

Lady and Gentlemen,

Attached are two pictures of the cell towers as seen on Kilburn. This is a more representative view from the community. I thought the pictures at the last meeting were very deceiving. One can see more cell towers at the end of Napoleon Ave., Bromely Dr., Dumaine Ave., Dubonnet and at Oak Canyon Park. Thank you.

Miriam Wolverton

----- Original Message -----

From: Miriam

To: m.greenop@yahoo.com ; jan.osterhaven@ventura.org ; jay.dobrowalski@ventura.org ; mikep@dssi.com

Sent: Monday, November 29, 2010 3:47 PM

Subject: Cell Tower proposal for Oak Park

Lady and Gentlemen,

We live on Kilburn Ct., Oak Park. We oppose the Cell Tower proposed for Oak Park. The current cell towers were installed less than a year ago. For many weeks, the families on Kilburn Ct. endured jack hammering, drilling, roaming of heavy equipment, and trucks going up and down (sometime as early as 7:20 am). Our street is covered with markings and torn up from similar projects in the past and heavy traffic of trucks. Our homes are covered with dust inside and outside during and after these constructions. Small children can't play outside while construction is going on. Now, we have to look at the eyesores (cell towers) every time we walk out the front door.

If any of you don't believe how bad our street looks, you should come by and see it for yourselves. I challenge you to find a street in as bad a shape as Kilburn Ct. If you stand at our cul-d-sac and look up, you would agree that the current cell towers are a monstrosity. A taller and bigger cell tower on the hills of Oak Park would be akin to adding salt to the wound. We urge you to **NOT APPROVE** the above proposed project.

Thank you for your consideration.

Chris and Miriam Wolverton
 4967 E. Kilburn Ct.
 Oak Park, CA 91377

