



## Planning Director Staff Report– Hearing on August 19, 2021

County of Ventura • Resource Management Agency

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

### CROWN CASTLE FARIA BEACH CONDITIONAL USE PERMIT (CUP) CASE NO. PL21-0058

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Conditional Use Permit (CUP) for a 10-year time extension for the continued operation of an existing Wireless Communication Facility (WCF) known as Crown Castle Faria Beach (PL21-0058).
2. **Applicant:** Crown Castle, 200 Spectrum, Suite 1700, Irvine, CA 92618
3. **Property Owner:** Faria Family Partnership, P.O. Box 11, Ventura, CA 93002
4. **Applicant's Representative:** Synergy, a division of Advantage Engineers, c/o Lynda McClung, 7543 Woodley Avenue, Suite 201, Van Nuys, CA 91406
5. **Decision-Making Authority:** Pursuant to the Ventura County Coastal Zoning Ordinance (CZO) (Section 8174-5 and Section 8181-3 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 3.57-acre project site is located at 3945 Pacific Coast Highway in the unincorporated area of Ventura County. The Tax Assessor parcel number for the parcel that constitutes the project site is 060-0-380-305.
7. **Project Site Land Use and Zoning Designations:**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Coastal Area Plan Land Use Designation: Agriculture
  - c. Zoning Designation: COS-10 ac-sdf (Coastal Open Space, 10-acre minimum lot size, slope density formula)
8. **Adjacent Zoning and Land Uses/Development:**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	COS-10 ac-sdf (Coastal Open Space, 10-acre minimum lot size, slope density formula)	Open Space
East	COS-10 ac-sdf	Open Space/Railroad/Freeway
South	COS-10 ac-sdf	Open Space/Railroad/Freeway

Location in Relation to the Project Site	Zoning	Land Uses/Development
West	COS-10 ac-sdf	Open Space/Railroad/Freeway

**9. History:** The subject property is owned by Faria Family Partnership and is located off Pacific Coast Highway on a private dirt road which is maintained by the property owner. The site is currently developed with 2 additional WCF's. The existing Crown Castle WCF that is the subject of this CUP has been in operation since 1997.

On March 4 1997, the Board of Supervisors approved CUP 4950 for the installation and operation of a WCF owned and operated by Crown Castle. The CUP was approved by the Planning Commission and appealed to the Board of Supervisors. This permit was not renewed prior to its expiration date in 2006.

On August 26, 2010, CUP LU09-0019 was approved to convert the existing WCF from a monopole into a stealth faux palm tree design and extend the expired CUP for an additional 10-year time period which ended on August 26, 2020.

**10. Project Description:** The applicant requests that a CUP be granted to authorize the continued use, operation, and maintenance of a Wireless Communication Facility consisting of the following (Exhibit 2, Site Plans):

- One (1) 58-foot tall faux palm tree antenna support structure;
- Six (6) antennas;
- Two (2) Remote Radio Units (RRU);
- One (1) Equipment Cabinet;
- 545-square-foot lease area.

The WCF will be unmanned, except for occasional periodic maintenance visits, and will operate 24 hours a day, 365 days per year. Access to the facility is available from Pacific Coast Highway, a public, paved road and up a private dirt driveway. Water service is not required to operate or maintain the proposed project, and no exterior lighting or grading is proposed. No fencing is proposed as part of this project.

**B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE**

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

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

documents. The proposed project includes the continued use, operation, and maintenance of an existing WCF. The proposed project qualifies for Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

### **C. CONSISTENCY WITH THE COASTAL AREA PLAN**

Evaluated below is the consistency of the proposed project with the applicable policies of the Ventura County Coastal Area Plan.

#### **1. Coastal Act Policy Section 30240, Environmentally Sensitive Habitat Areas, Adjacent Developments:**

- a) *Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.*
- b) *Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas and shall be compatible with the continuance of such habitat areas.*

The proposed project involves the continued use of an existing WCF. No new development will occur that could have impacts on any environmentally sensitive habitat areas. The proposed project is compatible with the surrounding development.

Based on the discussion above, the proposed project is consistent with Coastal Act Section 30240.

#### **2. Coastal Area Plan Visual Resources Policy 4.1.7-3: *Wireless communication facilities – including accessory equipment, lighting, utility lines, security measures and access roads – shall be sited and designed to minimize adverse impacts on public access, ESHA and ESHA buffer zones.***

Implementation of the proposed project will not require any construction activities and will not include the introduction of new uses that could adversely impact the surrounding area. The project site was previously cleared of vegetation to accommodate the existing WCF. No new effects on biological resources would occur with implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with Coastal Area Plan Visual Resources Policy 4.1.7-3.

- 3. Coastal Area Plan Visual Resources Policy 4.1.7-1:** *Wireless communication facilities shall be sited and designed to minimize alteration of natural land forms and to blend with the surrounding area in a manner that is consistent with community character, the natural environment, and existing development.*

The location of the existing WCF is sited and designed to minimize the alteration of natural land forms and blend into the surrounding area. The faux palm facility blends in with the surrounding area and is not prominently visible from public viewpoints. The project is consistent with the community character, the natural environment, and existing development.

Based on the discussion above, the proposed project is consistent with Coastal Area Plan Visual Resources Policy 4.1.7-1.

- 4. Coastal Area Plan Visual Resources Policy 4.1.7-2:** *Wireless communication facilities shall be sited and designed to protect views from public viewing areas to the ocean or to scenic resources.*

The location of the existing WCF is sited and designed to protect views from public viewing areas to the ocean and scenic resources. The location of the facility, located in a grove of existing palm trees of the same height, and setback from the nearest roadways, helps the facility blend in with the surrounding area and is not prominently visible from public viewpoints.

Based on the discussion above, the proposed project is consistent with Coastal Area Plan Visual Resources Policy 4.1.7-2.

- 5. Coastal Act Section 30251:** *The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of the surrounding area and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.*

The proposed project involves the continued use of an existing WCF. Permitted development is required to be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural landforms, and to be visually compatible with the character of surrounding areas. Due to this being an existing facility and a stealth design as a faux palm tree, no new impacts to scenic and visual qualities of ocean areas will occur. Therefore, the proposed project would not degrade visual resources.

Based on the discussion above, the proposed project is consistent Coastal Act Section 30251.

**D. ZONING ORDINANCE COMPLIANCE**

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

Pursuant to the requirements of the Ventura County CZO (Section 8174-4), the proposed use is allowed in the CA zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The proposed WCF is subject to the special use standards of the Ventura County CZO (Section 8175-5.20). Table 1 lists the applicable special use standards and a description of whether the proposed project complies with the special use standards.

**Table 1 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
<p><b>Section 8107-45.4(n), Accessory Equipment:</b></p> <p><i>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</i></p>	<p>Yes, none of the accessory equipment is prominently visible from offsite.</p>
<p><b>Section 8107-45.4(o), Colors and Materials:</b></p> <p><i>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</i></p>	<p>Yes, the facility uses colors that blend into the surroundings. No reflective materials will be used.</p>
<p><b>Section 8107-45.4(p), Noise:</b></p> <p><i>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</i></p>	<p>Yes, the WCF will always be operated and maintained to comply with the Ventura County noise standards.</p>
<p><b>Section 8107-45.4(r), Security:</b></p> <ol style="list-style-type: none"> <li><i>1. Each Facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.</i></li> <li><i>2. All fences shall be constructed of materials and colors that blend in with the existing setting. The use</i></li> </ol>	<p>Yes, the facility is enclosed within an existing equipment enclosure which prevents access and vandalism to the project site. No new fencing is proposed as part of this project.</p>

**Table 1 – Special Use Standards Consistency Analysis**

Special Use Standard	Complies?
<p><i>of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.</i></p>	
<p><b>Section 8107-45.4(s), Lighting:</b></p> <ol style="list-style-type: none"> <li>1. <i>No facility may be illuminated unless specifically required by the FAA or other government agency.</i></li> <li>2. <i>Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.</i></li> </ol>	<p>Yes, the existing WCF is not illuminated.</p>
<p><b>Section 8107-45.4(t), Signage:</b></p> <p><i>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.</i></p>	<p>Yes, the equipment shelter includes signage indicating all necessary information related to the operation of the facility.</p>
<p><b>Section 8107-45.4(u), Access Roads:</b></p> <ol style="list-style-type: none"> <li>1. <i>Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</i></li> <li>2. <i>Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County's Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Department District.</i></li> </ol>	<p>Yes, the existing facility is accessed by existing roadways. No new roadways or access roads are proposed with this project.</p>

**E. CUP 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 CZO (Section 8181-3.5 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 Certified Local Coastal Program [Section 8181-3.5.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 Certified Local Coastal Program can be made.

**2. The proposed development is compatible with the character of surrounding development [Section 8181-3.5.b].**

The existing WCF that is the subject of this CUP application has been in operation since 1997. The continued use of this WCF will not alter the appearance of the site or the character of the land uses in the area. No new impact on public views will result from the continued operation of the existing WCF.

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

**3. The proposed development, if a conditionally permitted use, is compatible with planned land uses in the general area where the development is to be located [Section 8181-3.5.c].**

The proposed project consists of the continued operation of an existing WCF. The use of the project parcel and the surrounding open space parcels will be unaffected by the proposed project. Given the restrictive location and coastal nature of the area, a change in land uses in the general area is not foreseeable at this time. Thus, the project is and will remain compatible with the land uses in the general area.

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

**4. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8181-3.5.d].**

The proposed project involves the continued use of a WCF on the subject property. No adverse effect on neighboring properties or ongoing uses has been identified that would result from the proposed project. Implementation of the conditions of approval (Exhibit 3) will ensure the compatibility of the project with the ongoing uses in the vicinity.

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

**5. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8181-3.5.e].**

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

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

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

As discussed in Section B above, the proposed project involves the continued use of a WCF on the subject property. The proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), CZO (Section 8181-6.2 et seq.). On August 4, 2021, the Planning Division mailed notice to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located. On August 9, 2021, the Planning Division placed a legal ad in the *Ventura County Star*.

**G. RECOMMENDED ACTIONS**

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a Minor Modification of a CUP pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** CUP Case No. PL21-0058, subject to the conditions of approval (Exhibit 3).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

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

Prepared by:

Reviewed by:

*Thomas Chaffee*

*M Fogg*

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

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

**EXHIBITS:**

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





200 SPECTRUM, SUITE 1700  
IRVINE, CA 92618

PLANS PREPARED BY:



7543 Woodley Ave., #201, Van Nuys, CA 91406  
Office: (818) 840-0808 Fax: (818) 840-0708

PROJECT INFORMATION:

(CUP RENEWAL)  
BU# 825187  
LA366 FARIA BEACH  
AIRTOUCH  
3945 PACIFIC COAST HWY.  
VENTURA, CA 93002  
MONOPALM

ISSUED FOR:

ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	05/28/20	90% ZD, ISSUED FOR REVIEW	PAD
B	06/10/20	100% ZD	PAD
C	07/14/21	100% ZD	PAD

DRAWN BY:	CHK.:	APV.:
PAD	LMC	SW

LICENSURE:

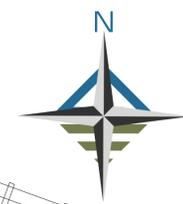
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

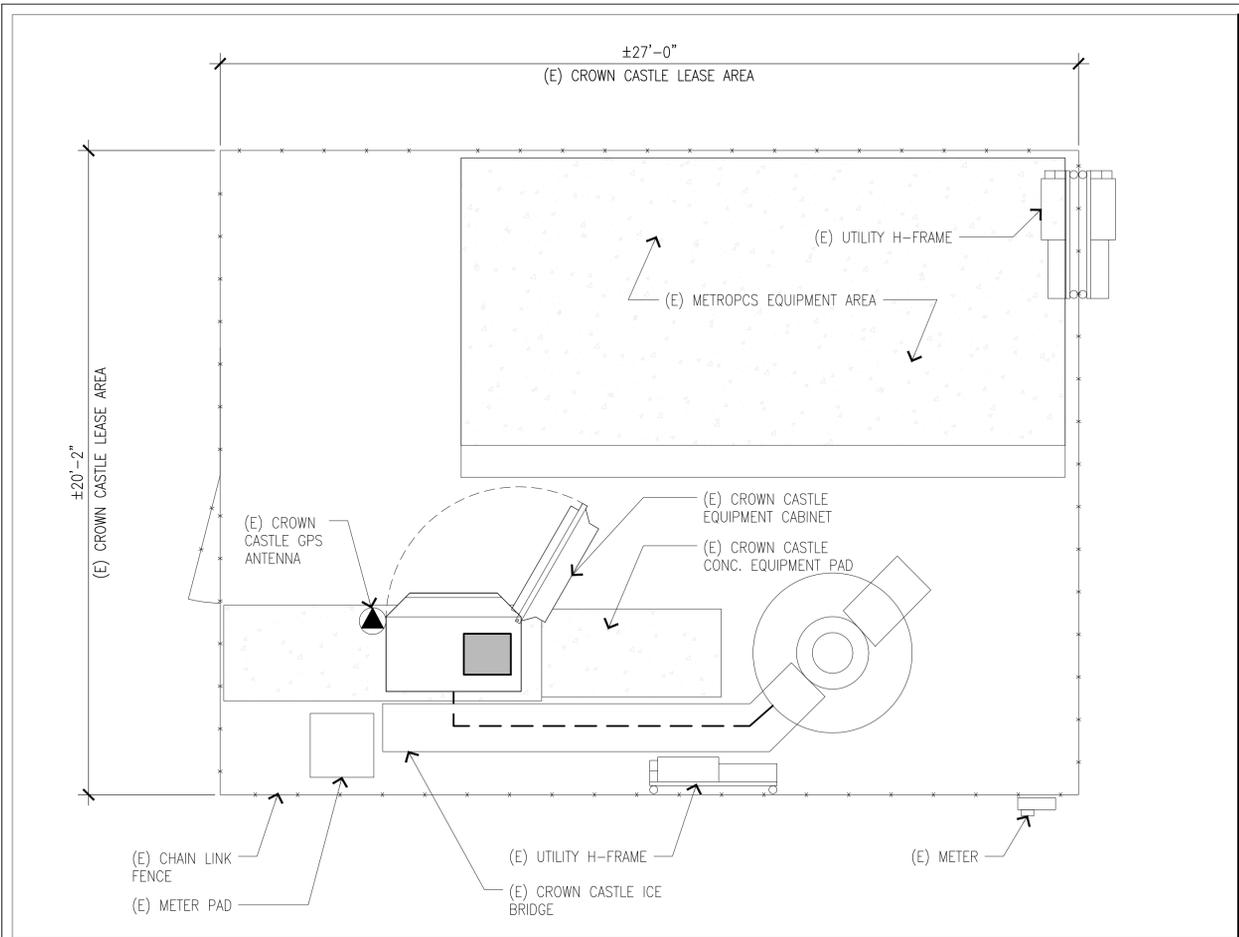
SHEET TITLE:  
**OVERALL SITE PLAN**

SHEET NUMBER: **A-1** REVISION: **C**  
BU# 825187

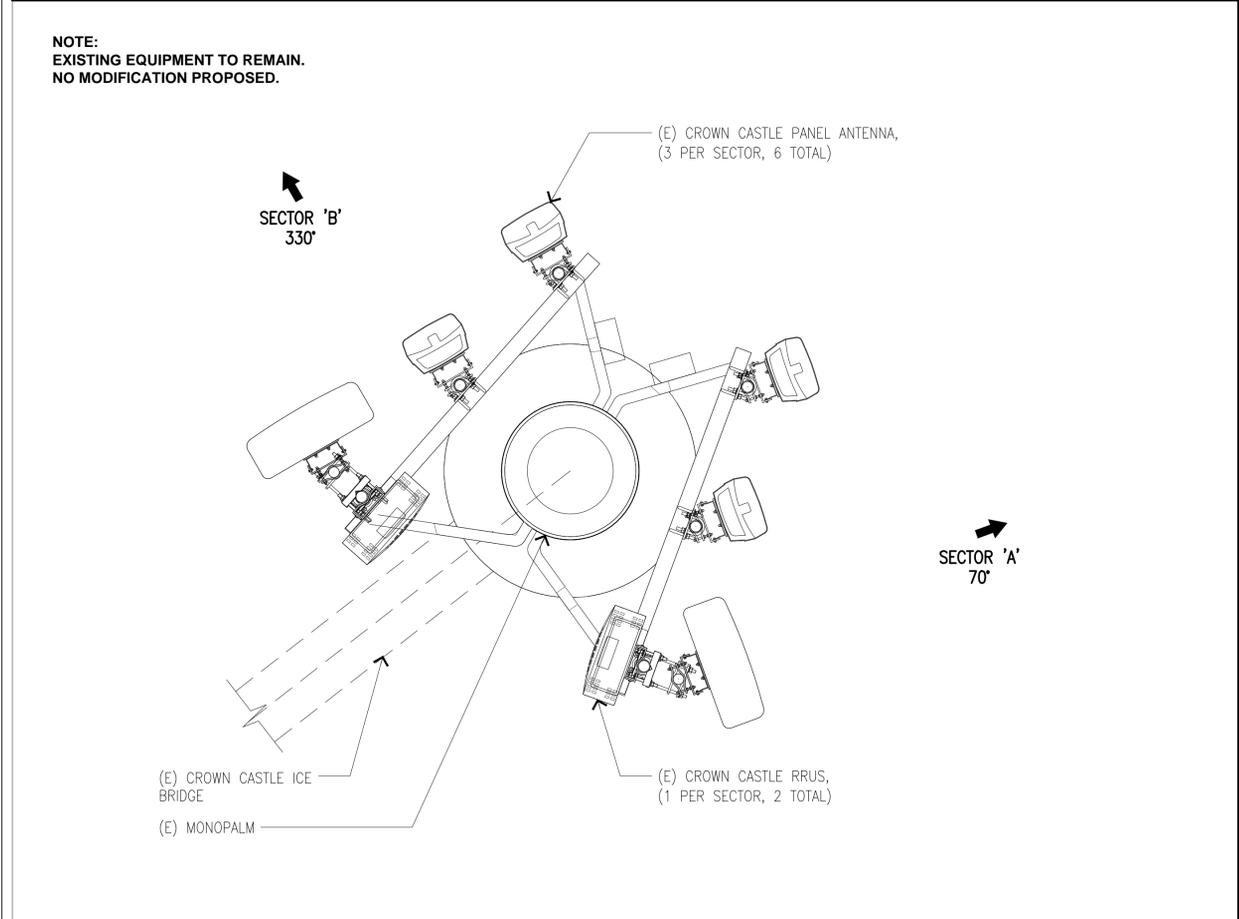
OVERALL SITE PLAN

SCALE: 1"=10'-0" 0 5' 10' 20' 1

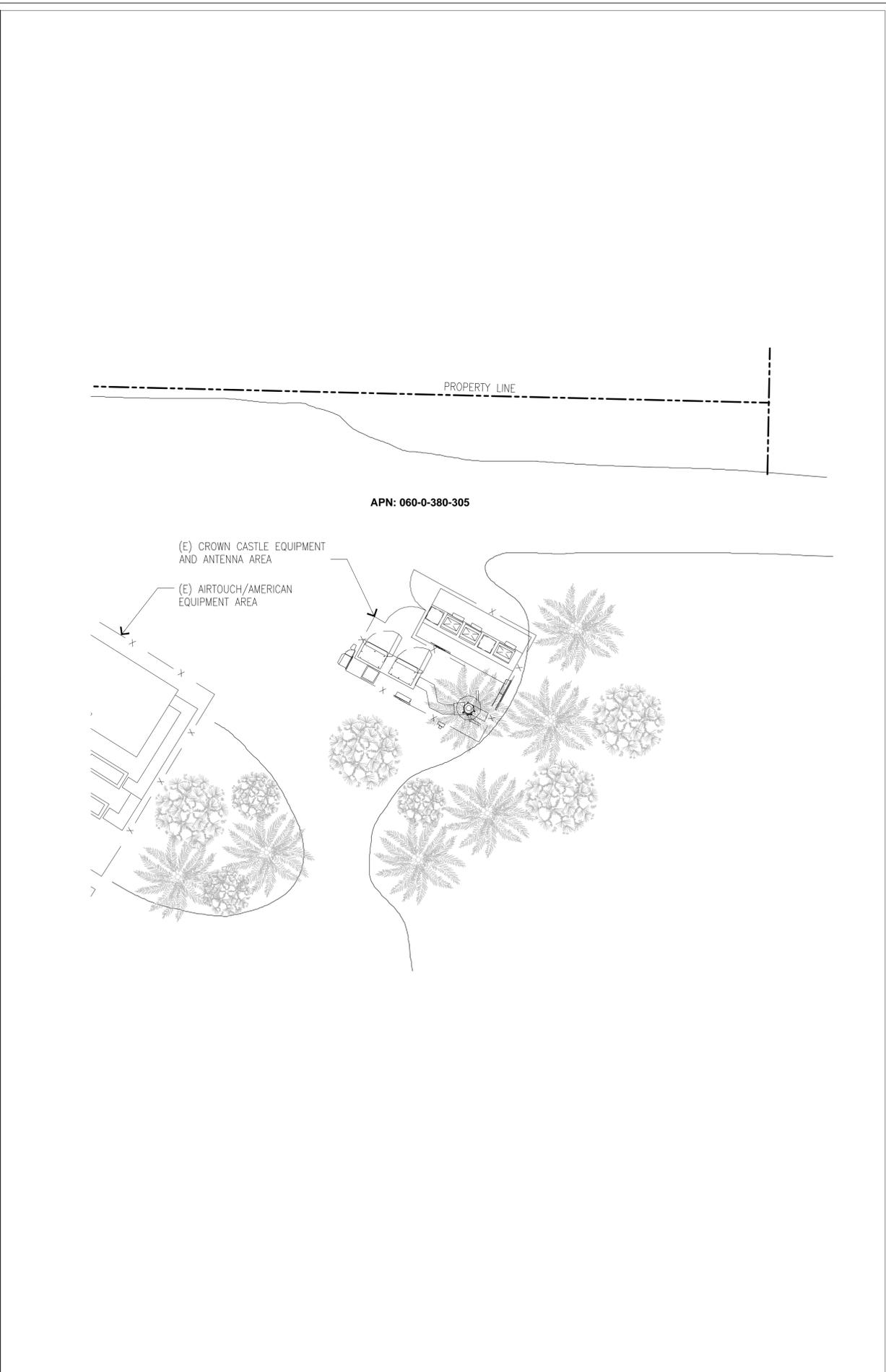




**EXISTING EQUIPMENT LAYOUT PLAN** SCALE: 3/8"=1'-0" 0 1' 2' 5' **2**



**EXISTING ANTENNA LAYOUT PLAN** SCALE: 3/4"=1'-0" 0 1' 2' 3' **3**



**ENLARGED SITE PLAN** SCALE: N.T.S. **1**

**CROWN CASTLE**  
200 SPECTRUM, SUITE 1700  
IRVINE, CA 92618

PLANS PREPARED BY:  
**Synergy**  
a division of **advantage engineers**  
7543 Woodley Ave., #201, Van Nuys, CA 91406  
Office: (818) 840-0808 Fax: (818) 840-0708

PROJECT INFORMATION:  
(CUP RENEWAL)  
**BU# 825187**  
**LA366 FARIA BEACH**  
**AIRTOUCH**  
3945 PACIFIC COAST HWY.  
VENTURA, CA 93002  
MONOPALM

ISSUED FOR:  
**ZONING**

REV.:	DATE:	DESCRIPTION:	BY:
A	05/28/20	90% ZD, ISSUED FOR REVIEW	PAD
B	06/10/20	100% ZD	PAD
C	07/14/21	100% ZD	PAD

DRAWN BY: PAD    CHK.: LMC    APV.: SW

LICENSURE:  
  
  
  
  
  
  
  
  
  
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SHEET TITLE:  
**ENLARGED SITE PLAN, EQUIPMENT AND ANTENNA LAYOUT PLANS**

SHEET NUMBER: **A-2**    REVISION: **C**  
BU# 825187

**ZONING**

REV.:	DATE:	DESCRIPTION:	BY:
A	05/28/20	90% ZD, ISSUED FOR REVIEW	PAD
B	06/10/20	100% ZD	PAD
C	07/14/21	100% ZD	PAD

DRAWN BY:	CHK.:	APV.:
PAD	LMC	SW

LICENSURE:

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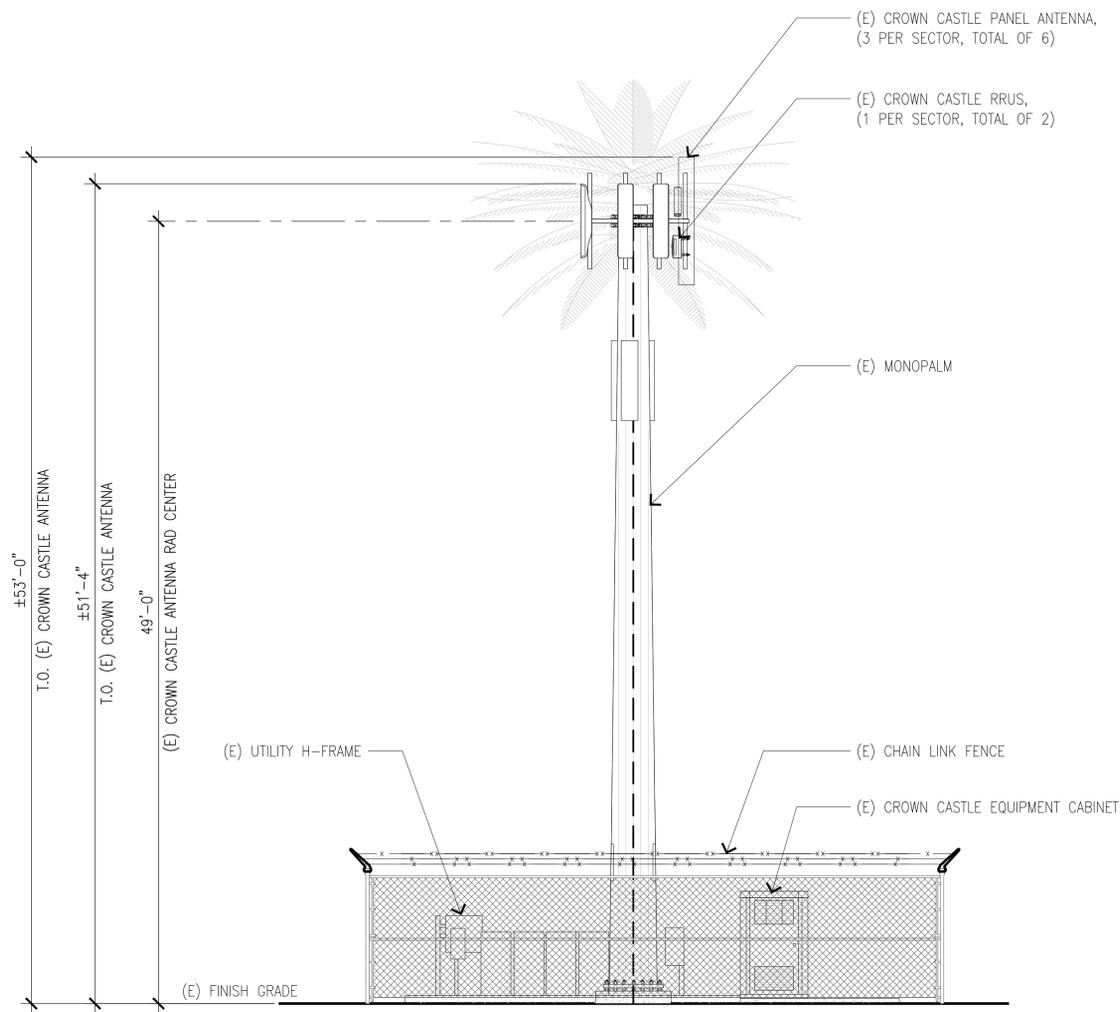
SHEET TITLE:

**ELEVATIONS**

SHEET NUMBER: REVISION:

**A-3** **C**  
BU# 825187

**NOTE:**  
EXISTING EQUIPMENT TO REMAIN.  
NO MODIFICATION PROPOSED.

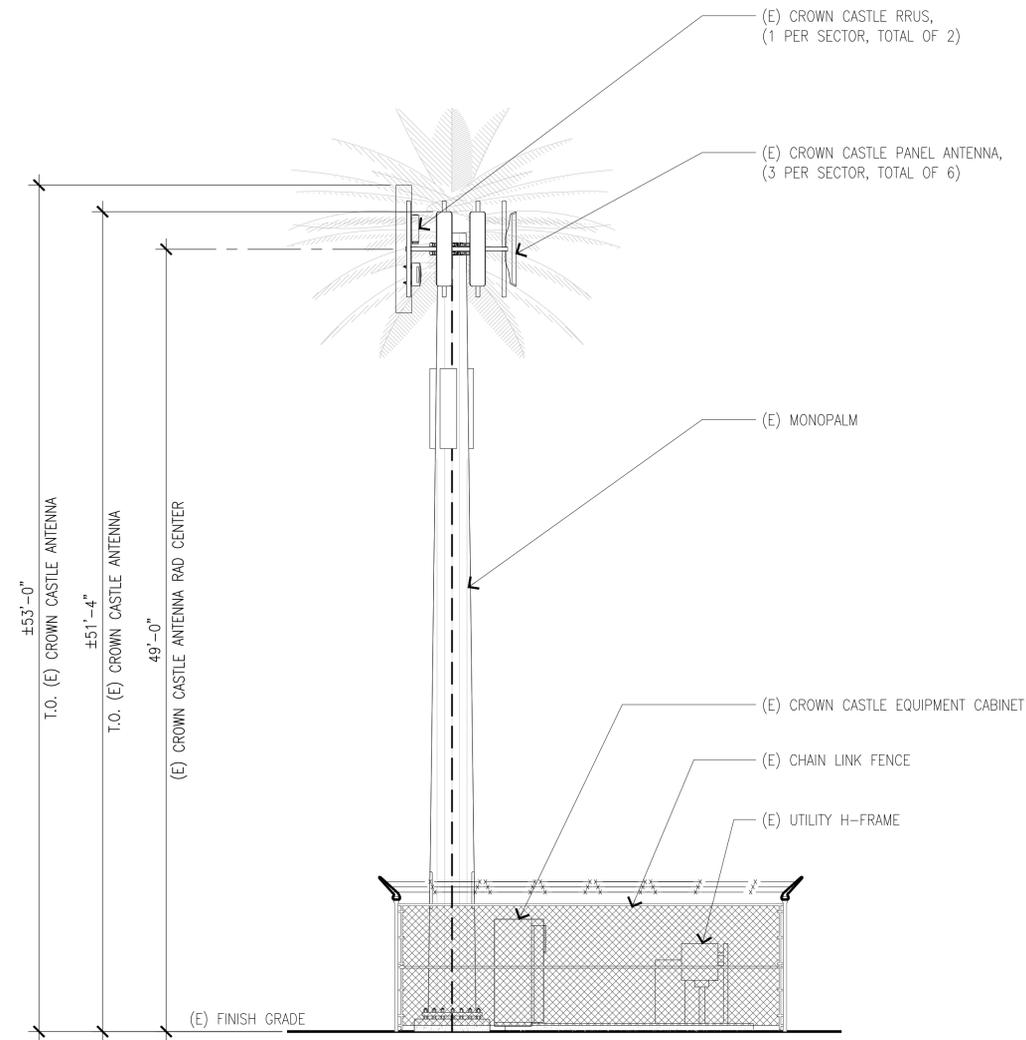


EXISTING NORTH ELEVATION

SCALE: 3/16"=1'-0"  
0 1' 3' 5' 10'

2

**NOTE:**  
EXISTING EQUIPMENT TO REMAIN.  
NO MODIFICATION PROPOSED.



EXISTING EAST ELEVATION

SCALE: 3/16"=1'-0"  
0 1' 3' 5' 10'

1

EXHIBIT 3

CONDITIONS OF APPROVAL FOR CROWN CASTLE WIRELESS COMMUNICATION FACILITY CONDITIONAL USE PERMIT (CUP) CASE NO. PL21-0058

Resource Management Agency (RMA) Conditions

Planning Division

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, all exhibits of the Planning Director hearing on August 19, 2021, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any changes in the Project must be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes in the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

The applicant requests that a CUP be granted to authorize the continued use, operation, and maintenance of a Wireless Communication Facility consisting of the following:

- One (1) 58-foot tall faux palm tree antenna support structure;
• Six (6) antennas;
• Two (2) Remote Radio Units (RRU);
• One (1) Equipment Cabinet;
• 545-square-foot lease area.

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 Coastal Zoning Ordinance (2004, Article 13), which include, but are not limited to, the following actions:

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Exhibit 3 - Draft Conditions of Approval

- 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 Zoning Clearance has not been issued within one year (*Ventura County Coastal Zoning Ordinance, §8181-7.7*) from the granting of this CUP. The Planning Director may grant a one year extension of time to obtain the Use Inauguration Zoning Clearance if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to inaugurate the permitted land use, and the Permittee has requested the extension in writing prior to the one year expiration date.
- (3) Prior to the issuance of the Use Inauguration Zoning Clearance, all fees and charges billed to that date by any County agency, as well as all fines, penalties, and sureties, must be paid in full. After issuance of the Use Inauguration Zoning Clearance, any final billed processing fees must be paid within 30 days of the billing date or this CUP is subject to revocation.

- b. Operations Period: The use granted by this CUP will expire on **TBD**. 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 ten year 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 should 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 demonstrates that the Permittee has continuously complied with all conditions of this CUP.
- (3) The Permittee demonstrates that the permitted uses remain compatible with the land uses in the general area.
- (4) The Permittee demonstrates 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 properly submitted modification application and then 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 (California Code of Regulations, Title 14, 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, which must be obtained or satisfied prior to the issuance of a Use Inauguration Zoning Clearance, 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. Condition Compliance, Enforcement, and Other Responsibilities:

a. Cost Responsibilities: The Permittee shall bear the full costs of all staff time, materials costs, or consultant costs associated with the approval of studies, generation of studies or reports, on-going permit compliance, and monitoring programs by establishing a revolving compliance account as described below in paragraph 7.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. (See Condition 7.c, below.)

b. Establishment of Revolving Compliance Accounts: Within 10 calendar days of the effective date of the decision on this CUP, the Permittee, or Permittee's successors-in-interest, shall submit the following deposit and reimbursement agreement to the Planning Director:

- (1) \$500.00 for deposit into 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 7.a, above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended. (See Condition 7.c, below.) The amount of this deposit may be modified by mutual agreement between the Permittee and the Planning Director; and,
  - (2) A signed reimbursement agreement subject to the Permittee's right to challenge any charges, which obligates the Permittee to pay any Condition Compliance review, monitoring and enforcement costs (Condition 7.a, above), and for enforcement costs and penalties assessed pursuant to the provisions of the Ventura County Ordinance Code, as it may be amended.
- c. Monitoring and Enforcement Costs: The *Ventura County Coastal Zoning Ordinance* (2004, §8183-5.4) 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 Coastal Zoning Ordinance* (2004, §8183-5.4), as it may be amended.

The \$500.00 deposit required herein [Condition 7.b(1)] is being imposed to ensure that funds are available for legitimate and anticipated costs incurred for Condition Compliance. These funds shall cover costs for any necessary inspections or the resolution of confirmed violations of the conditions of this CUP and/or the *Ventura County Non-Coastal Zoning Ordinance* that may occur.

- d. Billing Process: The Permittee shall pay any written 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.

8. 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.

9. 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.

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

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

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

11. Relationship of CUP Conditions, Laws and Other Permits: The design, maintenance, and operation of the CUP area and facilities thereon shall comply with all applicable requirements and enactments of Federal, State, and County authorities, as amended, and all such requirements and enactments shall by reference become conditions of this CUP. In the event of conflicts between

various requirements, the more restrictive requirements shall apply. In the event that any CUP condition contained herein is determined to be in conflict with any other CUP condition contained herein, then where principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible, as determined by the Planning Director.

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

12. 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(s) 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.
13. Resolution of Complaints: The following process shall be used to resolve complaints related to the project:
  - a. All complaints received by the County shall be directed to the Permittee's contact person established pursuant to Condition No. 12 (Contact Person), or to the Permittee if a contact person has not been designated.
  - b. As soon as possible, but no later than one day after receiving a written complaint from the County or a citizen, the Permittee shall investigate the complaint.
  - c. The Permittee shall report the Permittee's findings to the complainant and the Planning Director as soon as possible, but no later than one day after receiving a complaint, unless otherwise agreed to by the parties in question.

- d. If the investigation of a complaint by the Permittee indicates a possible violation, the Permittee shall take prompt action to correct the potential problem.
  - e. If the problem persists, the County Planning Division shall initiate complaint resolution actions as contained in the Ventura County Ordinance Code, as it may be amended.
  - f. If the complaint constitutes a violation of the Ventura County Ordinance Code or the CUP conditions listed herein, and the Permittee fails to correct the violation, enforcement actions shall be commenced by the County.
14. Reporting of Major Incidents: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any major incidents (e.g., fires, explosions, toxic and non-toxic 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.
  15. 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.
  16. Site Maintenance: The CUP area shall be maintained in a neat and orderly manner (as determined by the Planning Director) 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.
  17. Color/Material/Manufacture Specifications:
    - a. Prior to issuance of a Zoning Clearance the Permittee shall provide to the Planning Director a color sample showing the exact colors and design of the faux palm monopole, antennas, parabolic dishes and ancillary equipment (e.g., equipment cabinets and GPS antennas). The colors and

materials chosen must blend in visually with the surrounding structures, natural habitats and physical features as viewed from public viewing locations, as determined by the Planning Director.

- b. Prior to the issuance of a Zoning Clearance, the Permittee shall submit to the Planning Director the manufacturer specifications and model numbers of all existing and proposed tower, antenna and ancillary equipment (e.g., equipment cabinets and GPS antenna).
18. Landscape Plan: The existing equipment shelter is partially screened from public viewing locations by the natural vegetation around the site. If the communications facility equipment area becomes visible from any public location, then the Permittee shall submit a landscape and planting plan (three sets), specifications, and a maintenance program, prepared by a State licensed Landscape Architect in accordance with the Ventura County *Guidelines for Landscape Plan Check and Landscape Design Criteria – Ventura County* (Resource Management Agency, October 1992), shall be submitted to the Planning Director for review and approval. All landscaping and planting shall be installed according to the plan, and inspected and approved within 30 days of either discovery or notification by the Planning Director.
  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. Change of Ownership: At least 10 calendar days prior to the effective date of any change of subject 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.
21. Proprietary Information<sup>1</sup>: Proprietary information and/or trade secrets which are required to be submitted must be so marked and identified by the Permittee, submitted separately from the other required materials, and confidentially maintained by the public agencies having access to it. Such information shall be requested on an as needed basis only by the applicable County agency or department head.
  22. Minimizing Nuisance Impacts to Adjacent 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.
  23. Business License: Prior to the issuance of a Use Inauguration Zoning Clearance, the Permittee shall demonstrate to the satisfaction of the Planning Director that the Permittee has a temporary or permanent Ventura County Business License Tax Certificate, or is exempt from such requirements.
  24. Federal Communications Commission License Agreement: Prior to the issuance of a Zoning Clearance, the Permittee must provide to the Resource Management Agency, Planning Division an approved and signed copy of the Federal Communications Commission License Agreement for the facilities that are permitted as part of this CUP (Condition No.1). The agreement must include the: licensee's contact information (i.e., the name of the wireless company, contact person, phone number, email address, and mailing address); Federal Communications Commission Registration Number ("FRN") or lease identification number; site number; and, project site address.
  25. Future Co-Location: Where technically feasible, regulatorily allowed and visually desirable, the applicant shall cooperate with other telecommunication providers in co-locating compatible antenna facilities on the site.
  26. 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

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<sup>1</sup>"Proprietary information" means information which the County determines would reveal such things as production, reserves, manufacturing processes and patented formulas, or rate of depletion of the operations of the Permittee. Any information which is not proprietary is a matter of public record.

permit, as nearly as practicable.

**Environmental Health Division**

- 27. The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.
- 28. Prior to inauguration of use, the Permittee shall contact the Hazardous Materials section of the Environmental Health Division to obtain all necessary permits.

**Ventura County Public Works Agency Conditions**

- 29. Prior to the issuance of a Zoning Clearance for grading and/or construction of a structure, all Public Works Agency permit processing and enforcement fees owed must be paid. After issuance of the Zoning Clearance, any additional processing fees must be paid within 30 calendar days of the billing date.

**Ventura County Fire Protection District (VCFPD) Conditions**

- 30. A Fire Department access road shall be available to the site and maintained as a most weather access road in order to insure access by Fire Department equipment.
- 31. All grass and brush shall be cleared and maintained to a distance of 100 feet from structures.



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Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map created on 07-06-2021



County of Ventura  
 Planning Director Hearing  
 PL21-0058  
 Exhibit 4 - Maps



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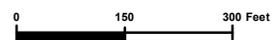




Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map Created on 07-01-2021  
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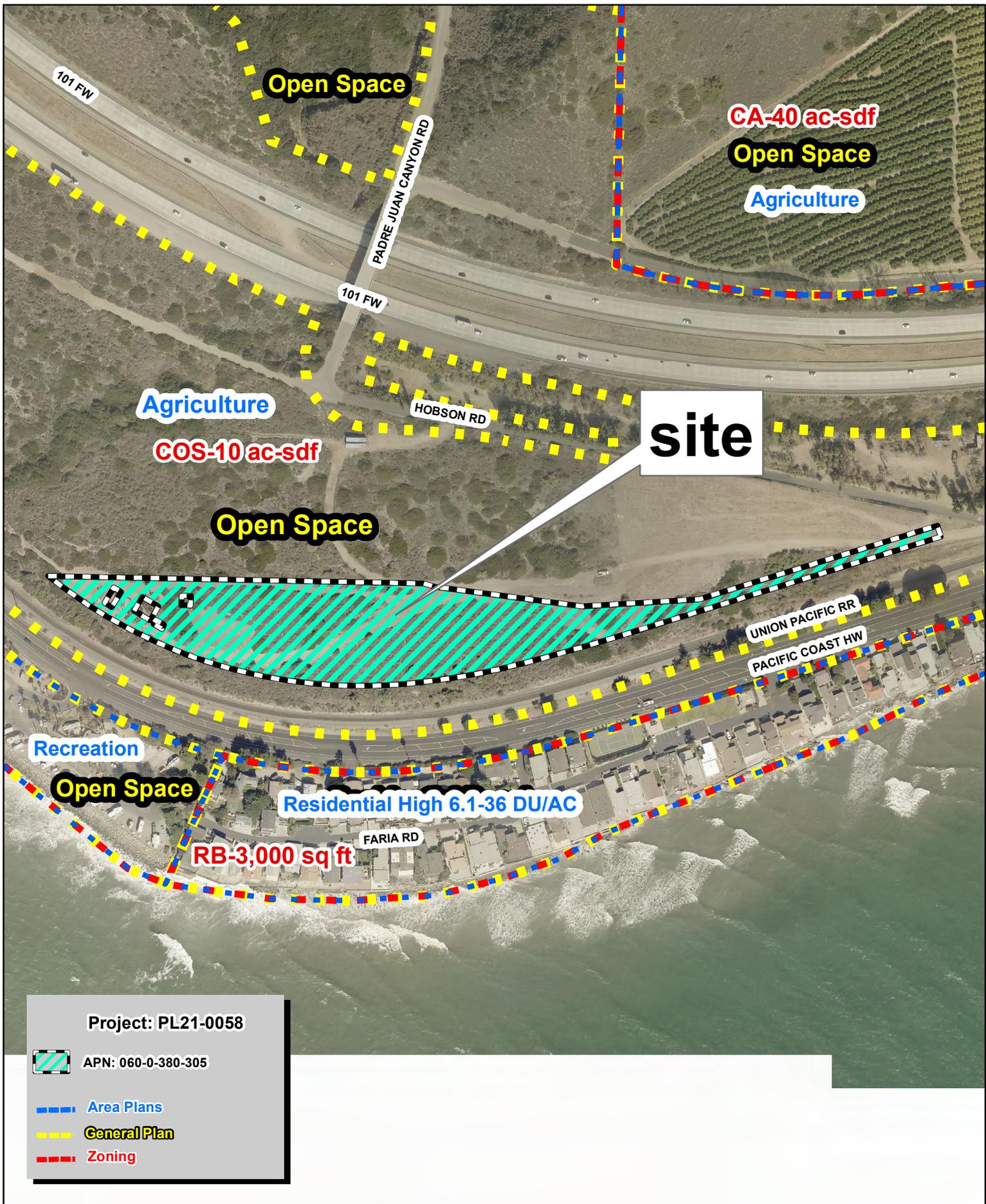


### County of Ventura Planning Director Hearing Aerial Photography PL21-0058



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**Project: PL21-0058**

 APN: 060-0-380-305

 Area Plans

 General Plan

 Zoning



Ventura County  
 Resource Management Agency  
 Information Systems GIS Services  
 Map created on 07-06-2021  
 Source: Pictometry: 2019



**County of Ventura  
 Planning Director Hearing  
 General Plan & Zoning Map  
 PL21-0058**



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