



Planning Director Staff Report– Hearing on November 4, 2021

County of Ventura • Resource Management Agency

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

“DENNISON PARK” WIRELESS COMMUNICATION FACILITY (WCF) MODIFIED CONDITIONAL USE PERMIT (CUP), CASE NO. PL20-0130

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) No. 5113 to authorize the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period for a site known as “Dennison Park”, US-CA-1154. (Case No. PL20-0130)
2. **Applicant:** PTI US Towers II, LLC., c/o Kyle Hargrave, 999 Yamato Road, Suite 100, Boca Raton, Florida, 33431
3. **Property Owner:** County of Ventura, c/o Colter Chisum, 800 South Victoria Avenue, #100, Ventura, California 93009
4. **Applicant’s Representative:** Synergy, c/o Lynda McClung, 7543 Woodley Avenue, Suite 201, Van Nuys, California, 91406
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4), the Planning Director is the decision-maker for the requested modified CUP.
6. **Project Site Size, Location, and Parcel Number:** The 33.86-acre project site is located at 7250 Ojai Santa Paula Road, in the community of Ojai, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number for the parcel that constitutes the project site is 030-0-130-065 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Ojai Valley Area Plan Land Use Map Designation: OS-20-ac. min. and OS-40-ac. min. (Open Space – 20-acre minimum lot size and Open Space – 40-acre minimum lot size)
 - c. Zoning Designation: OS-40-ac. min. and Open Space – 40-ac. min./SRP (Open Space – 40-acre minimum lot size and Open Space – 40-acre minimum lot size/Scenic Resource Protection Overlay)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	<ul style="list-style-type: none"> • OS-40-ac. min./SRP; • OS-40-ac. min./TRU; and, • OS-40-ac. min./TRU/DKS 	Open Space
East	<ul style="list-style-type: none"> • OS-40-ac. min.; and, • OS-40-ac. min./SRP 	Open Space
South	<ul style="list-style-type: none"> • OS-160-ac. min.; and, • OS-40-ac. min./SRP/TRU 	Open Space
West	OS-160-ac. min./SRP/TRU	Open Space

9. History: On October 6, 2000, the Planning Director approved CUP 5113 authorizing the installation and operation of a 60-foot high WCF disguised as a monopine. The WCF included two radio equipment cabinets to be contained within a six-foot, six-inch chain link fence over a 300 square foot lease area for an initial 10-year period.

On November 29, 2010, the Planning Director approved a minor modification of CUP 5113 (Case No. LU09-0113) authorizing the continued use, operation and maintenance of the existing WCF for an additional 10-year period.

On December 22, 2014, the Planning Manager granted a Permit Adjustment Permit (PAJ) (Case No. PL14-0186) authorizing the installation of one new eight-foot-long panel antenna and one new remote radio unit per sector for all three sectors on the existing WCF.

On June 13, 2016, the Planning Manager granted a second PAJ (Case No. PL16-0038) authorizing the installation of one new 7,500-watt emergency generator, one new propane tank and trenching for a new gas line.

On December 9, 2020 the subject application was submitted to the County along with additional application materials submitted on February 18, 2021. On March 17, 2021, the application was deemed complete for processing.

10. Project Description: The applicant requests that a modified CUP be granted to authorize the continued use, operation and maintenance of an existing WCF for a 10-year period. The WCF includes an existing overall 65-foot high monopine with T-Mobile and Verizon panel antennas and associated equipment co-located on the monopine at centerline of 60 feet, four inches and 47 feet, respectively. The existing WCF is enclosed by a six-foot, six-inch chain link fenced area and located over a 300-foot lease area within the Ventura County owned “Dennison Park.” The existing equipment on the monopine includes the following:

T-Mobile:

- Nine (9) panel antennas, (three per sector);
- Six (6) radio remote units, (two per sector); and,
- Two (2) equipment cabinets.

Verizon:

- Twelve (12) panel antennas, (four per sector);
- Nine (9) radio remote units, (three per sector); and,
- Three (3) equipment cabinets.

The project does not propose any changes to the existing WCF including equipment upgrades, exterior lighting, grading or fencing. Water service would not be required for the continued use, operation or maintenance of the WCF. The WCF would continue to be unmanned, except for occasional periodic maintenance visits, and would operate 24 hours per day, 365 days per year. Access to the WCF remains available from Ojai Santa Paula Road, a paved, public road, followed by a paved, public road through Dennison Park. (Exhibit 3)

B. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

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

The State Legislature through the Secretary for Resources has found that certain classes of projects are exempt from CEQA environmental impact review because they do not have a significant effect on the environment. These projects are declared to be categorically exempt from the requirement for the preparation of environmental impact documents. As the project is requesting authorization for the continued use, operation, and maintenance of an existing WCF, with no proposed changes, staff has determined that the project would qualify for a 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 GENERAL PLAN

The 2040 Ventura County General Plan *Goals, Policies and Programs* (2020, page 1-1) states:

All area plans, specific plans subdivision, public works projects, and zoning decisions must be consistent with the direction provided in the County's General Plan.

Furthermore, the Ventura County NCZO (Section 8111-1.2.1.1.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County General Plan.

Evaluated below is the consistency of the proposed project with the applicable policies of the General Plan *Goals, Policies and Programs* and the Ojai Valley Area Plan.

- 1. LU-16.1 Community Character and Quality of Life:** *The County shall encourage discretionary development to be designed to maintain the distinctive character of unincorporated communities, to ensure adequate provision of public facilities and services, and to be compatible with neighboring uses.*

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

The project would involve the continued use, operation and maintenance of an existing WCF with no physical or operational changes proposed. As no new development is proposed, project implementation would not impact environmentally sensitive habitat areas or degrade scenic and visual resources. Additionally, at the time of the original approval of the WCF, and as proposed, the project would continue to be compatible with the surrounding development.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.1 and Ojai Valley Area Plan Policy OV-17.1.

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

The existing WCF is located among existing developed vegetation and pine trees which helps maintain a high standard of design and environmental quality. The location of the WCF minimizes land use conflicts and no traffic congestion is expected from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.2.

- 3. LU-16.10 Visual Access for Rural Development:** *The County shall encourage discretionary development in rural areas to maintain views of hillsides, beaches, forests, creeks, and other distinctive natural areas through building orientation, height, and bulk.*

OV-41.1 Scenic Views and Vistas from Public Roads or Publicly-owned Land:

The County shall prohibit discretionary development/grading which will significantly degrade or destroy a scenic view or vista from public roads or publicly-owned land, unless the development/grading is a public project, or a private project for which there is a substantial public benefit, and overriding considerations are adopted by the decision-making body.

Implementation of the proposed project would not require construction activities and would not include the introduction of new uses that could adversely impact the surrounding area. Thus, no new development would occur on the subject property.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.10 and Ojai Valley Area Plan Policy OV-41.1.

4. **PFS-7.1 Accessible Public Utilities:** *The County shall work with utility companies and service providers to ensure that gas, electric, broadband, cellular mobile communications, cable television, and telephone utility transmission lines are located appropriately to provide for adequate services throughout the unincorporated area.*

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

The project does not propose to relocate or alter the existing siting of the WCF. The WCF would continue to be appropriately located ensuring that cellular mobile communications infrastructure would continue to be provided for adequate services throughout the unincorporated area of Ojai.

Based on the above discussion, the proposed project is consistent with General Plan Policy PFS-7.1 and Ojai Valley Area Plan Policy OV-24.1.

5. **PFS-7.5 Broadband Service Access:** *The County shall encourage broadband service providers to expand service areas and provide high quality access to broadband (high-speed internet) and cellular mobile communications services to residents and businesses, including unserved and underserved areas.*

Implementation of the project would continue to allow for a high-quality service of cellular mobile communication to the eastern Ojai Valley. Additionally, the continued use of the WCF and ability to add additional antennas at the WCF would ensure that the nearby residents and businesses would be able to maintain a high quality of service.

Based on the above discussion, the proposed project is consistent with General Plan Policy PFS-7.5.

- 6. COS-3.5 Ridgeline and Hilltop Preservation:** *The County shall ensure that ridgelines and major hilltops remain undeveloped, and that discretionary development is sited and designed to remain below significant ridgelines, except as required for communication or similar activity.*

The project would involve the continued use, operation and maintenance of an existing WCF with no physical or operational changes proposed. The location of the existing WCF is not sited upon a significant ridgeline and no new conflicts would occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-3.5.

- 7. HAZ-1.1 Fire Prevention Design and Practices:** *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.*

HAZ-1.2 Defensible Space Clear Zones: *The County shall require adherence to defensible space standards, or vegetation “clear zones,” for all existing and new structures in areas that are designated as Hazardous Fire Areas by the Ventura County Fire Protection District and High Fire Hazard Severity Zones by the California Department of Forestry and Fire Protection.*

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

OV-48.1 Adequate Water and Access for Firefighting: *The County shall condition discretionary development permits to provide adequate water and access for firefighting purposes as determined by the Fire Protection District. The County shall require adequate access and fire flow improvements to be completed prior to combustible construction.*

The existing WCF would continue to meet all Ventura County Fire Protection District standards and regulations. Additionally, conditions of approval (Exhibit 4) would be imposed with the project to ensure that ongoing compliance with the Fire Protection District standards and regulations would be appropriately maintained.

Based on the above discussion, the proposed project is consistent with General Plan Policy HAZ-1.1 and HAZ-1.2 and Ojai Valley Area Plan Policies OV-35.1 and OV-48.1.

- 8. OV-15.1 Purpose of the Open Space Designation:** *The County shall use the Open Space designation to define the boundaries of the Existing Community and Rural designated areas, in order to prevent urban sprawl and to promote the efficient use of public facilities and services by confining the areas of development.*

OV-46 Open Space: *To ensure that recreational uses in sensitive Open Space areas preserve natural resources in balance with the provision of opportunities for the use and enjoyment of those resources.*

The ongoing presence and use of the existing WCF would not result in any new effect on public viewpoints. No new effect on open space would result from the project as no physical or operational changes to the existing WCF are proposed.

Based on the above discussion, the proposed project is consistent with Ojai Valley Area Plan Policies OV-15.1 and OV-46.

- 9. OV-42.1 Wireless Communication Facilities:** *The County shall grant discretionary development permits for wireless communication facilities only when necessary for public safety or to provide a substantial public benefit. The County shall condition such facilities to minimize visual impacts to the maximum extent feasible.*

OV-42.2 Wireless Communication Facility Height Restriction: *The County shall limit discretionary development permits for wireless communication facilities the height of such facilities, with the exception of monopole whip-type antennas, to 40 feet. The County prefers several shorter facilities to one large facility.*

The proposed project involves the continued use, operation and maintenance of an existing WCF with no physical or operational changes proposed, including the height. Although, project implementation would not result in any change to the WCF, granting of the requested permit would continue to allow for public safety services through high-quality cellular communication.

Based on the above discussion, the proposed project is consistent with Ojai Valley Area Plan Policies OV-42.1 and OV-42.2.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the Open Space zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project would comply with the requirements of the Ventura County NCZO.

The proposed project is also subject to the special use standards of the Ventura County NCZO (Section 8107-45.4). Table 1 lists the applicable special use standard 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>Section 8107-45.4(f)(4)(e), Maximum Antenna Height:</p> <p><i>Flush-mounted wireless communication facilities shall not extend above the building height. If mounted on a structure other than a building, such as a light pole or utility pole, the antennas shall not extend more than 5 feet above the structure.</i></p>	<p>Yes. The proposed project would involve the continued use, operation and maintenance of an existing WCF. All antennas would not extend beyond the top of the monopine.</p>
<p>Section 8107-45.4(n), Accessory Equipment:</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 would be visible from offsite.</p>
<p>Section 8107-45.4(o), Colors and Materials:</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 WCF would continue to be disguised as a faux pine tree and would be conditioned to use colors which blend into the surrounding environment (Exhibit 4). No reflective materials are proposed or would be permitted.</p>
<p>Section 8107-45.4(p), Noise:</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 would continue to be operated and maintained in compliance with the Ventura County noise standards.</p>
<p>Section 8107-45.4(r), Security:</p> <ol style="list-style-type: none"> 1. <i>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> 2. <i>All fences shall be constructed of materials and colors that blend in with the existing setting. The use 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>Yes. The WCF would continue to be enclosed within a chain link fenced area, which would prevent access and potential 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>Section 8107-45.4(s), Lighting:</p> <ol style="list-style-type: none"> 1. <i>No facility may be illuminated unless specifically required by the FAA or other government agency.</i> 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> 	<p>Yes. No new lighting would be installed with project implementation.</p>
<p>Section 8107-45.4(t), Signage:</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 WCF would include signage indicating all necessary information related to the safe operation of the WCF.</p>
<p>Section 8107-45.4(u), Access Roads:</p> <ol style="list-style-type: none"> 1. <i>Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</i> 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> 	<p>Yes. Access to the WCF remains available from Ojai Santa Paula Road, a public, paved road, followed by a public, paved road through Dennison Park.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a modified CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

1. **The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C 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 [Section 8111-1.2.1.1.b].

The continued use, operation and maintenance of the WCF would not alter the appearance of the site or the character of the land uses in the area. No new impact on public views would result from project implementation.

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 [Section 8111-1.2.1.1.c].

As discussed above, 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 4) would ensure the compatibility of the project with the ongoing uses in the vicinity.

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

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

The proposed project is comprised of a continuation of an existing WCF. No aspect of project implementation has been identified that would be detrimental to the public interest, health, safety, convenience, or welfare.

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

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

The proposed project is comprised of a continuation of an existing WCF. No changes to the existing WCF, uses on the project site, or the intensity of the operation, are proposed. No aspect of project implementation has been identified that would adversely affect or be incompatible with the existing land uses in the surrounding open space area. Given the open space land use designation and open space zoning of the project site and surroundings lands, a future change in zoning, General Plan designation or land uses is not foreseeable at this time.

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

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

With the previous granting of CUP 5113, LU09-0113, PL14-0186, and PL16-0038, the County decision-makers determined that the subject property constituted a legal lot.

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, operation and maintenance of an existing WCF with no physical or operational changes proposed. Thus, staff has determined that the 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), Ventura County NCZO (Section 8111-3.1). On October 20, 2021, the Planning Division mailed notice to owners of property within 1,700 feet of the property on which the project site is located. On October 25, 2021, the Planning Division placed a legal ad in the *Ventura County Star* and *Ojai Valley Newspaper*.

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 CUP 5113, 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** a minor modification of CUP 5113 (Case No. PL20-0130), subject to the conditions of approval (Exhibit 4); and,
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

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

Prepared by:



John Kessler, Case Planner
Commercial & Industrial Permit Section
Ventura County Planning Division

Reviewed by:



Mindy Fogg, Manager
Commercial & Industrial Permit Section
Ventura County Planning Division

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Site Plan
- Exhibit 4 Conditions of Approval



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 05-07-2021

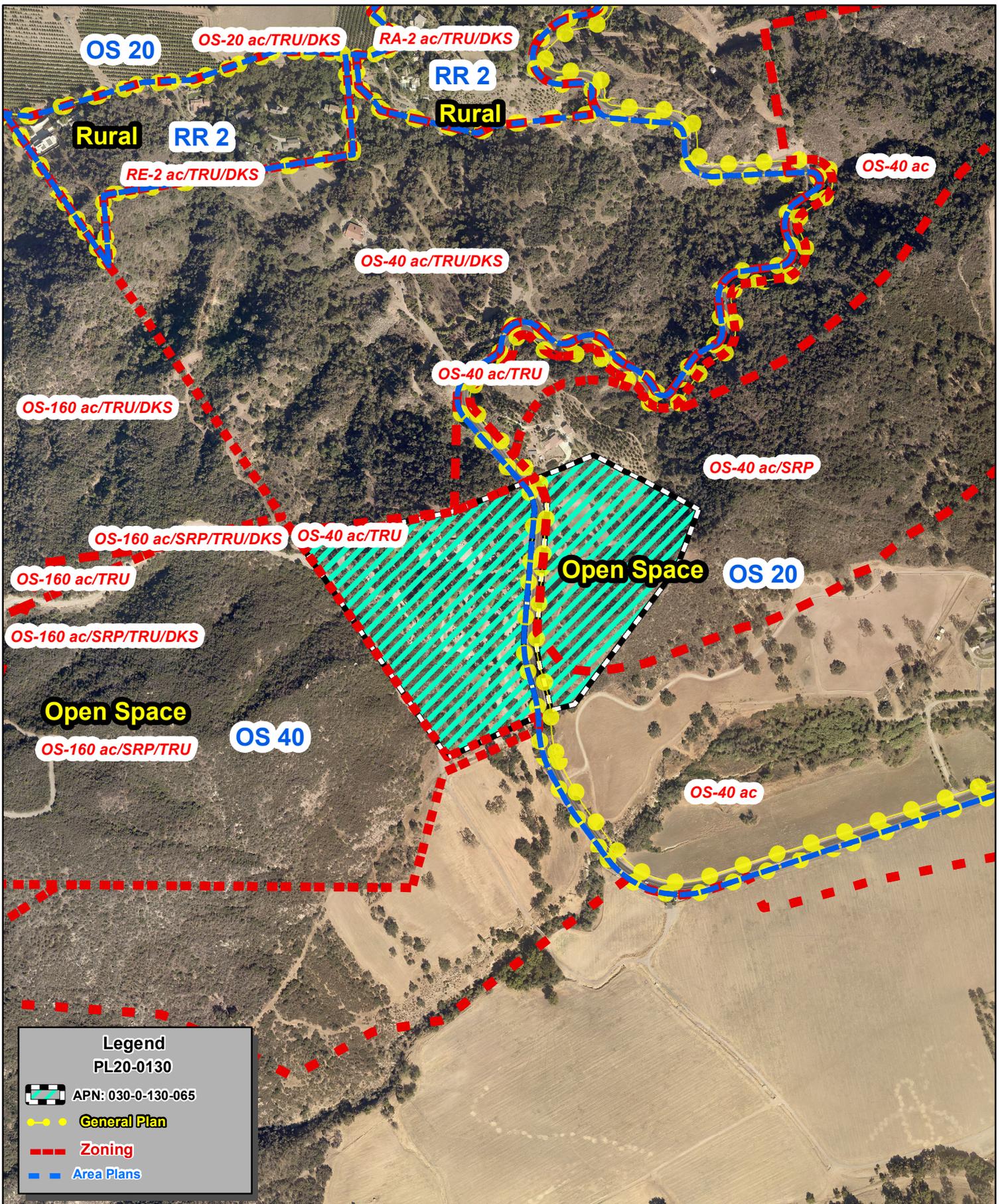


**County of Ventura
 Planning Director Hearing
 Case No. PL20-0130
 Exhibit 2 - Maps**



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map nor does it make any decision involving a risk of economic loss or physical injury should be made in reliance thereon.





Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
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County of Ventura
 Planning Director Hearing
 PL20-0130
 General Plan & Zoning Map



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Ventura County, California
Resource Management Agency
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County of Ventura
Planning Director Hearing
PL20-0130
Aerial Photography



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CUP RENEWAL



PHOENIX TOWER INTERNATIONAL



PROJECT INFORMATION:
 (CUP RENEWAL)
LA549 DENNISON PARK
 US-CA-1154
 7250 OJAI SANTA PAULA RD, OJAI, CA 93023
 VENTURA COUNTY

CURRENT ISSUE DATE:
 10/04/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	09/17/20	90% ZD, ISSUED FOR REVIEW	VRR
B	10/23/20	100% ZD	PAD
C	10/04/21	100% ZD	VTA

PLANS PREPARED BY:

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

CONSULTANT:

 7543 Woodley Ave., #201, Van Nuys, CA 91406
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DRAWN BY: _____ CHK.: _____ APV.: _____
 VRR PAD JN

LICENSURE:

SHEET TITLE:
TITLE SHEET

SHEET NUMBER: **T-1** REVISION: **C**
 US-CA-1154

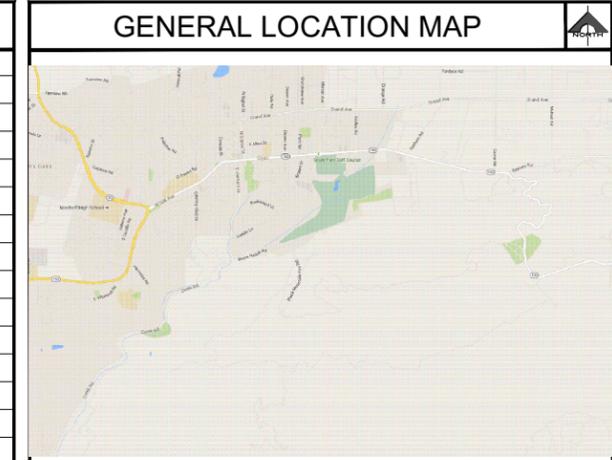
SITE NUMBER: US-CA-1154 **CITY: OJAI**
SITE NAME: LA549 DENNISON PARK **COUNTY: VENTURA**
SITE TYPE: MONOPINE **JURISDICTION: COUNTY OF VENTURA**

PROJECT SUMMARY
SITE ADDRESS:
 7250 OJAI SANTA PAULA RD
 OJAI, CA 93023
PROPERTY OWNER CONTACT:
 COUNTY OF VENTURA
 800 S. VICTORIA AVE #100
 VENTURA, CA 93009
 CONTACT: COUNTY OF VENTURA
 PHONE: (805) 654-3945
APPLICANT:
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 999 YAMATO ROAD, SUITE 100
 BOCA RATON, FL
 CONTACT: KYLE HARGRAVE
 (818) 486-8248
 KHARGRAVE@PHOENIXINTNL.COM

CONSULTING TEAM
SAC/ZONING/PERMITTING:
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DRAWING INDEX

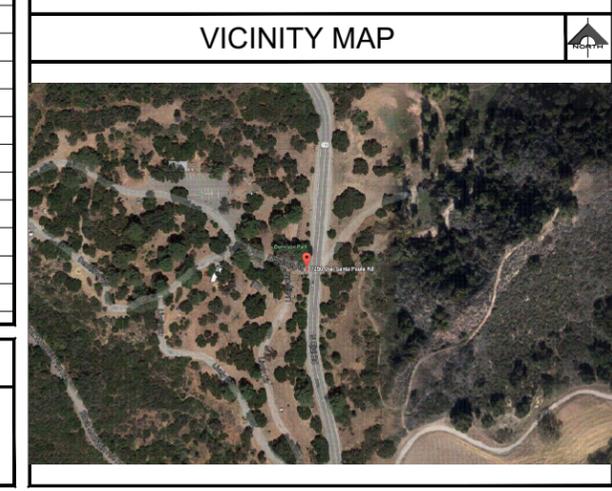
SHEET	DESCRIPTION
T-1	TITLE SHEET
A-1	OVERALL SITE PLAN
A-2	ANTENNA AND EQUIPMENT LAYOUT PLANS
A-3	ELEVATIONS
A-4	ELEVATIONS



BUILDING SUMMARY
 OCCUPANCY CLASSIFICATION: U (UNMANNED TELECOMMUNICATIONS FACILITY)
 ZONE CLASSIFICATION: OS-40 (OPEN SPACE, 40-ACRE MIN.)
 CONSTRUCTION TYPE: V-B
 APN: 030-0-130-065

LATITUDE / LONGITUDE
 LAT: 34° 26' 10.7016" N LAT: 34.43741589 N
 LONG: -119° 12' 6.4368" W LONG: -119.20294800 W

UTILITY PURVEYOR
POWER: _____ TELCO: _____
 COMPANY: - COMPANY: -



PROJECT DESCRIPTION
 THE PROJECT ENTAILS:
 EXISTING PTI CUP RENEWAL FOR THE CONTINUED USE AND OPERATION OF AN
 EXISTING WIRELESS TELECOMMUNICATIONS FACILITY:
T-MOBILE EXISTING EQUIPMENT:
 (E) (9) ANTENNAS, (3) PER SECTOR
 (E) (6) RRU, (2) PER SECTOR
 (E) (2) EQUIPMENT CABINETS
VERIZON EXISTING EQUIPMENT:
 (E) (12) ANTENNAS, (4) PER SECTOR
 (E) (9) RRUS, (3) PER SECTOR
 (E) (3) EQUIPMENT CABINETS

APPROVAL
 THE FOLLOWING PARTIES HEREBY APPROVE AND ACCEPT THESE DOCUMENTS AND
 AUTHORIZE THE CONTRACTOR TO PROCEED WITH THE CONSTRUCTION DESCRIBED
 HEREIN. ALL CONSTRUCTION DOCUMENTS ARE SUBJECT TO REVIEW BY THE LOCAL
 BUILDING DEPARTMENT AND ANY CHANGES AND MODIFICATIONS THEY MAY IMPOSE.

	PRINT NAME	SIGNATURE	DATE
LANDLORD:	_____	_____	_____
ZONING MGR:	_____	_____	_____
DEVELOP. MGR:	_____	_____	_____
CONST. MGR:	_____	_____	_____
PROJECT MGR:	_____	_____	_____
SR. RF ENGINEER:	_____	_____	_____
RF ENGINEER:	_____	_____	_____
OPERATIONS:	_____	_____	_____
SAC REP.:	_____	_____	_____
UTILITIES:	_____	_____	_____
REAL ESTATE MGR:	_____	_____	_____

ACCESSIBILITY REQUIREMENTS
 THE FACILITY IS UNMANNED AND NOT FOR CONTINUOUS HUMAN HABITATION.
 HANDICAPPED ACCESS IS NOT REQUIRED PER CBC 2019,
 SECTION 11B-203.4 (LIMITED ACCESS SPACES)
 SECTION 11B-203.5 (MACHINERY SPACES)

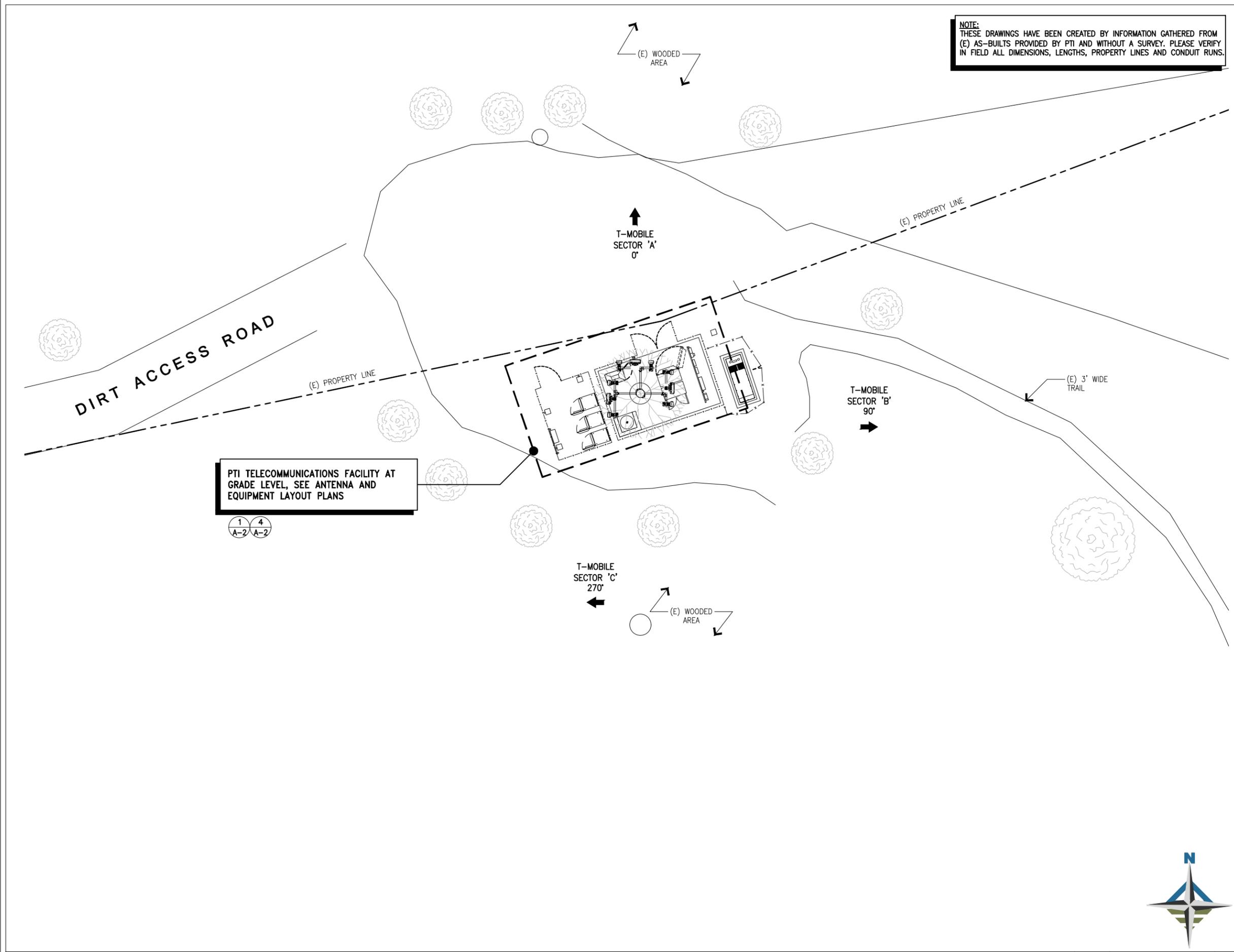
LEGAL DESCRIPTION
 DISTRICT: 02 ABBREVIATED DESCRIPTION: DIST:02 CITY:OJAI PR APN
 0300130015 CITY/MUNI/TWP: OJAI

**County of Ventura
 Planning Director Hearing
 Case no. PL20-0130
 Exhibit 3 - Site Plan**

CODE COMPLIANCE

- CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25) 2019
- CALIFORNIA BUILDING CODES 2019
- CALIFORNIA ELECTRICAL CODES 2019
- CALIFORNIA MECHANICAL CODES 2019
- CALIFORNIA PLUMBING CODES 2019
- ANSI / EIA-222 H 2016
- LOCAL CITY BUILDING CODE
- CITY / COUNTY ORDINANCES
- CALIFORNIA FIRE CODE 2019 EDITION
- ASCE 7-2016
- ACI 318-2014
- STEEL CONSTRUCTION MANUAL, 14TH EDITION

DRIVING DIRECTION
 FROM T-MOBILE OFFICE: 4100 GUARDIAN ST, SIMI VALLEY, CA 93063:
 HEAD SOUTHWEST ON GUARDIAN ST TOWARD TAPO CANYON RD, TURN RIGHT
 ONTO TAPO CANYON RD. TURN RIGHT TO MERGE ONTO CA-118 W TOWARD
 VENTURA. TAKE EXIT 18B FOR CA-23 N/ CA-118 W/ LOS ANGELES AVE.
 KEEP RIGHT AT THE FORK AND MERGE ONTO CA-118 W/ CA-23 N/ E LOS
 ANGELES AVE/ NEW LOS ANGELES AVE. TURN RIGHT ONTO BALCOM CANYON
 RD. TURN LEFT TO STAY ON BALCOM CANYON RD. TURN RIGHT TO STAY ON
 BALCOM CANYON RD. TURN LEFT ONTO S MOUNTAIN RD. CONTINUE ONTO S
 12TH ST. TURN LEFT ONTO SATICOY ST. TURN RIGHT TOWARD CA-150 W/ N
 OJAI RD/ OJAI SANTA PAULA RD/ SANTA PAULA OJAI RD. SLIGHT RIGHT ONTO
 CA-150 W/ N OJAI RD/ OJAI SANTA PAULA RD/ SANTA PAULA OJAI RD.
 DESTINATION WILL BE ON THE LEFT.



PTI TELECOMMUNICATIONS FACILITY AT GRADE LEVEL, SEE ANTENNA AND EQUIPMENT LAYOUT PLANS

1 4
A-2 A-2

NOTE:
THESE DRAWINGS HAVE BEEN CREATED BY INFORMATION GATHERED FROM (E) AS-BUILTS PROVIDED BY PTI AND WITHOUT A SURVEY. PLEASE VERIFY IN FIELD ALL DIMENSIONS, LENGTHS, PROPERTY LINES AND CONDUIT RUNS.



PROJECT INFORMATION:

(CUP RENEWAL)
LA549 DENNISON PARK
US-CA-1154

7250 OJAI SANTA PAULA RD, OJAI, CA 93023
VENTURA COUNTY

CURRENT ISSUE DATE:

10/04/21

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	09/17/20	90% ZD, ISSUED FOR REVIEW	VRR
B	10/23/20	100% ZD	PAD
C	10/04/21	100% ZD	VTA

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

CONSULTANT:

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

DRAWN BY: CHK.: APV.:

VRR PAD JN

LICENSURE:

SHEET TITLE:

OVERALL SITE PLAN

SHEET NUMBER: REVISION:

A-1 C
US-CA-1154

REV.:	DATE:	DESCRIPTION:	BY:
A	09/17/20	90% ZD, ISSUED FOR REVIEW	VRR
B	10/23/20	100% ZD	PAD
C	10/04/21	100% ZD	VTA

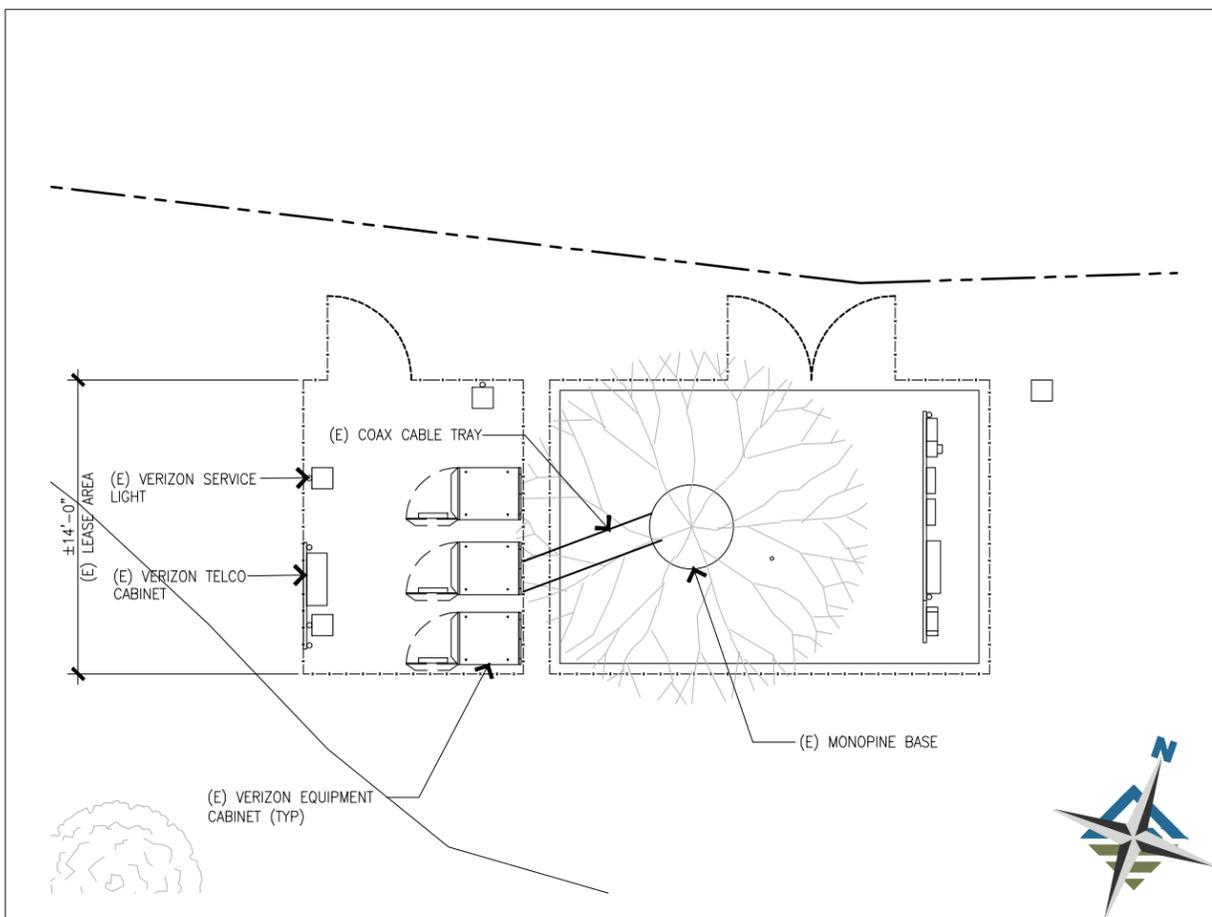


Synergy
a division of **advantage engineers**
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

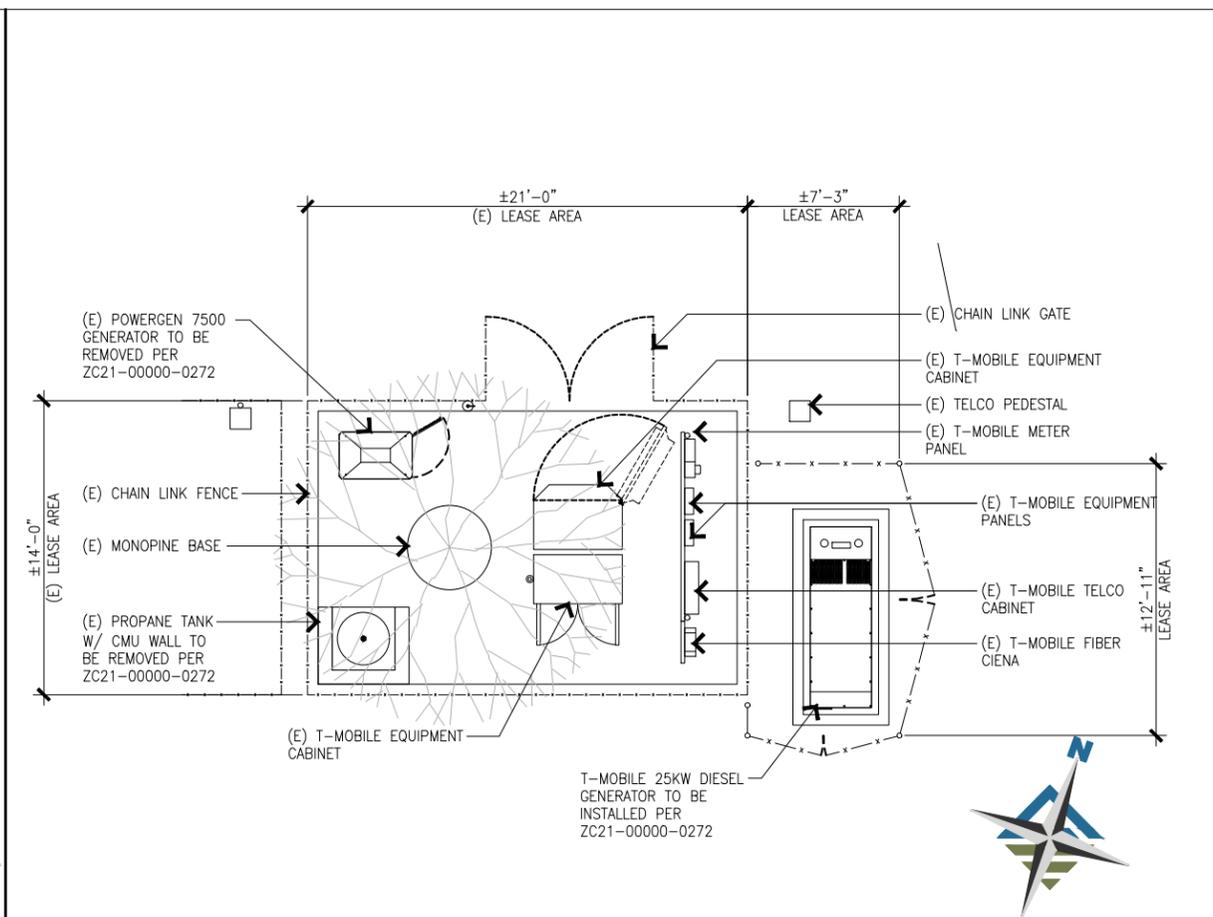
CONSULTANT:



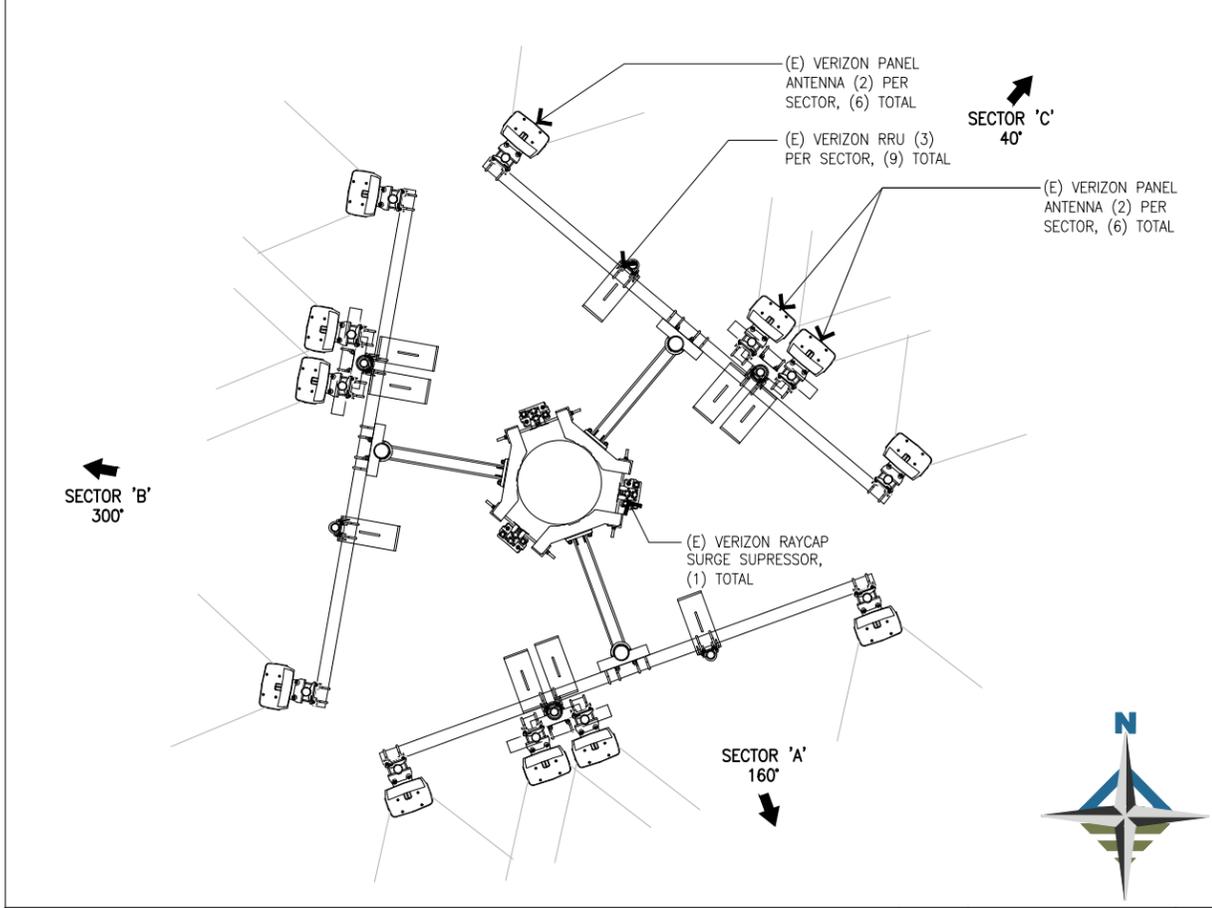
Synergy
a division of **advantage engineers**
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708



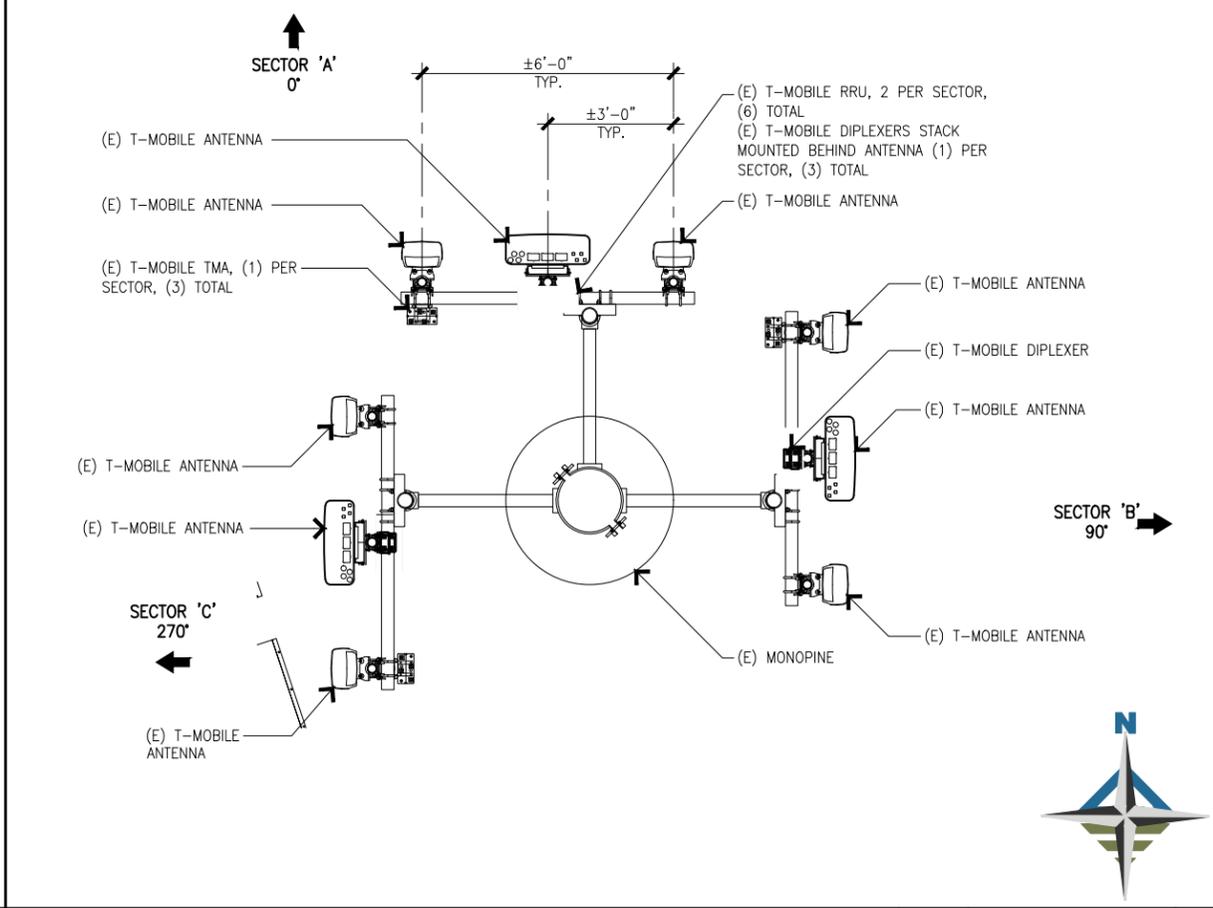
(E) VERIZON EQUIPMENT LAYOUT PLAN 3



(E) T-MOBILE EQUIPMENT LAYOUT PLAN 1



(E) VERIZON ANTENNA LAYOUT PLAN 4



(E) T-MOBILE ANTENNA LAYOUT PLAN 2

PROJECT INFORMATION:

(CUP RENEWAL)
LA549 DENNISON PARK
US-CA-1154

7250 OJAI SANTA PAULA RD, OJAI, CA 93023
VENTURA COUNTY

CURRENT ISSUE DATE:

10/04/21

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	09/17/20	90% ZD, ISSUED FOR REVIEW	VRR
B	10/23/20	100% ZD	PAD
C	10/04/21	100% ZD	VTA

PLANS PREPARED BY:



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7543 Woodley Ave., #201, Van Nuys, CA 91406
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CONSULTANT:



Synergy
a division of **advantage engineers**

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

DRAWN BY: CHK.: APV.:

VRR	PAD	JN
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LICENSURE:

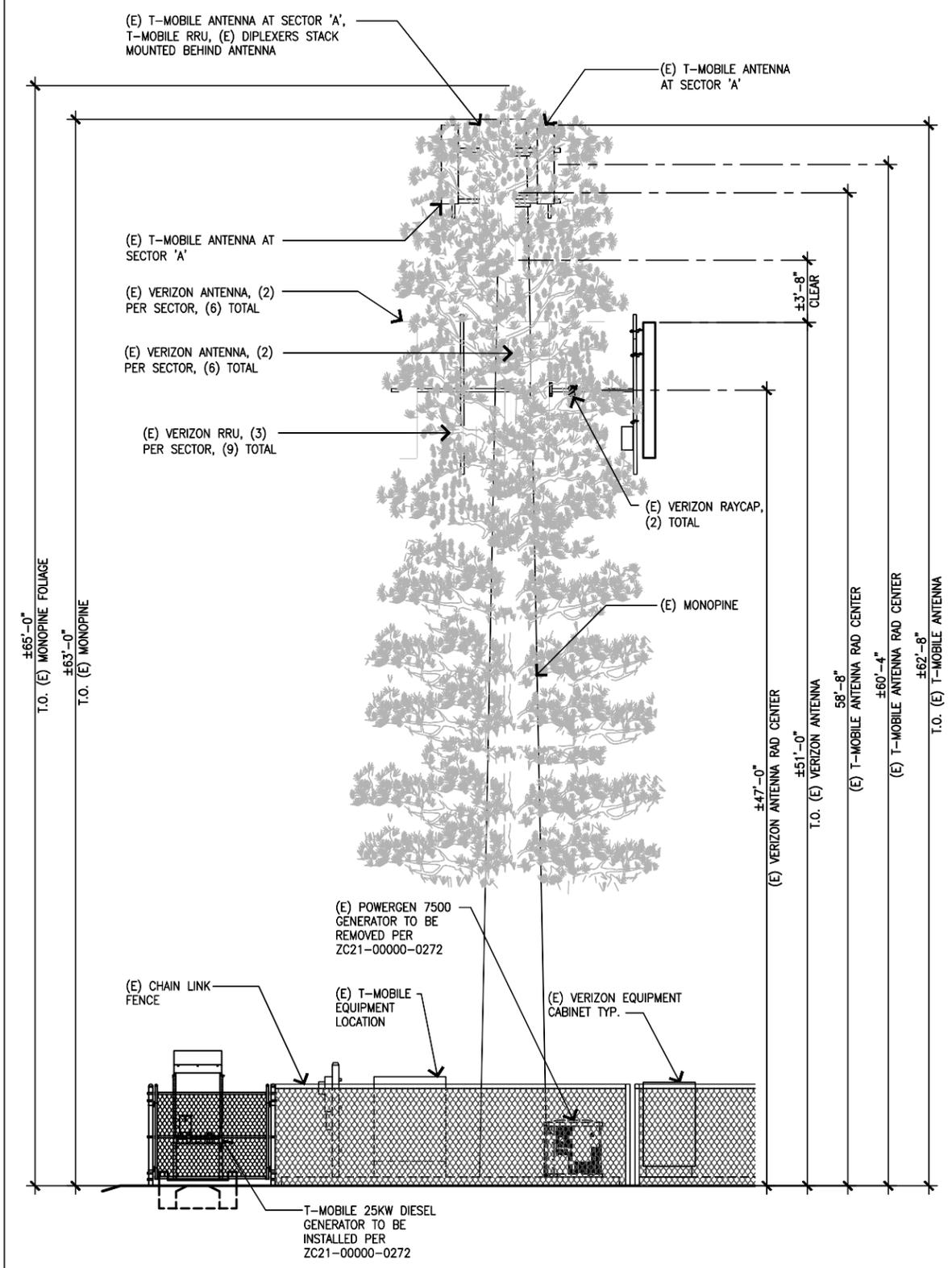
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SHEET TITLE:

ELEVATIONS

SHEET NUMBER: REVISION:

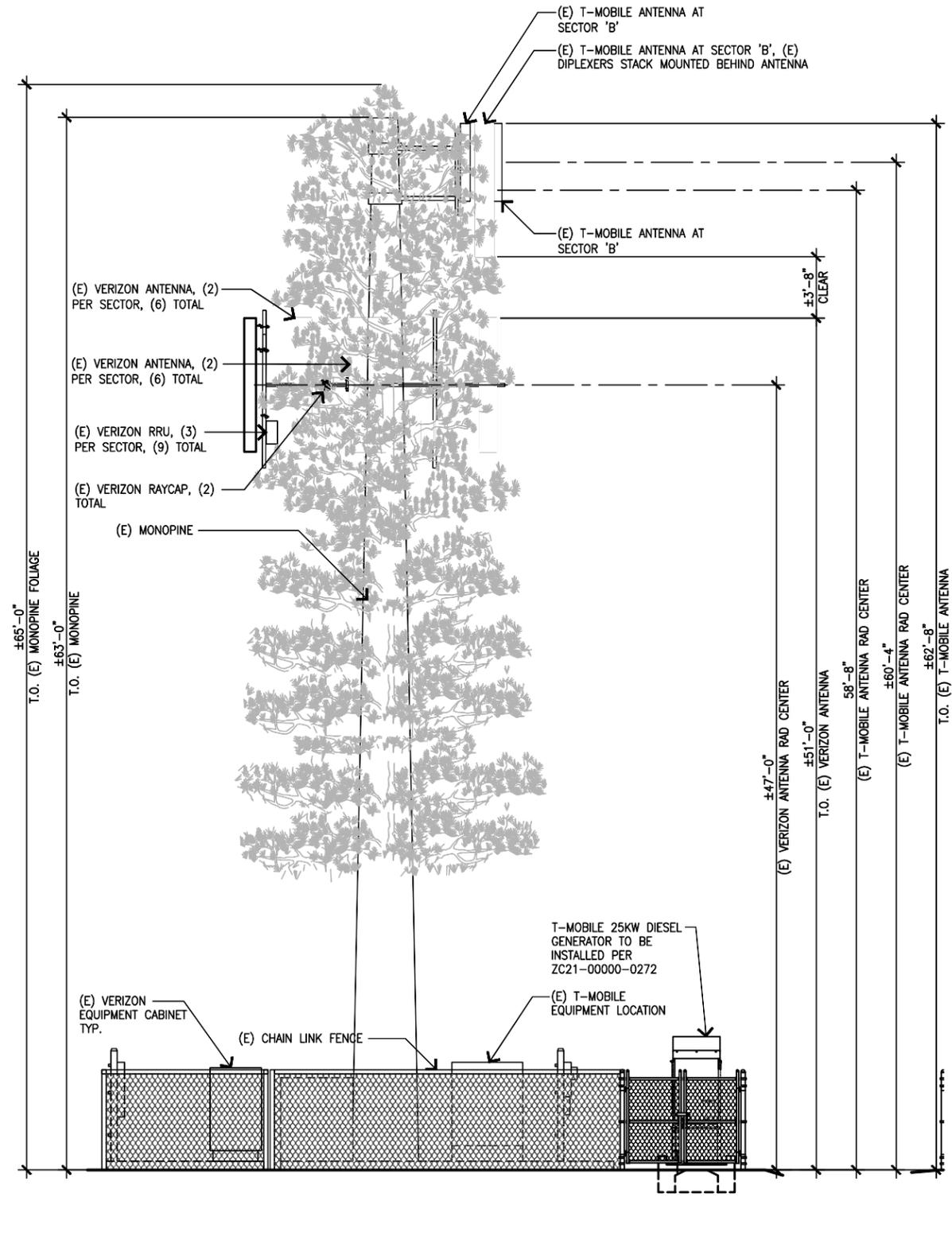
A-3 **C**
US-CA-1154



(E) NORTH ELEVATION

SCALE: 1/4"=1'-0"
0 1' 2' 4' 8'

2



(E) SOUTH ELEVATION

SCALE: 1/4"=1'-0"
0 1' 2' 4' 8'

1

PROJECT INFORMATION:
(CUP RENEWAL)
LA549 DENNISON PARK
US-CA-1154
7250 OJAI SANTA PAULA RD, OJAI, CA 93023
VENTURA COUNTY

CURRENT ISSUE DATE:
10/04/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	09/17/20	90% ZD, ISSUED FOR REVIEW	VRR
B	10/23/20	100% ZD	PAD
C	10/04/21	100% ZD	VTA

PLANS PREPARED BY:

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

CONSULTANT:

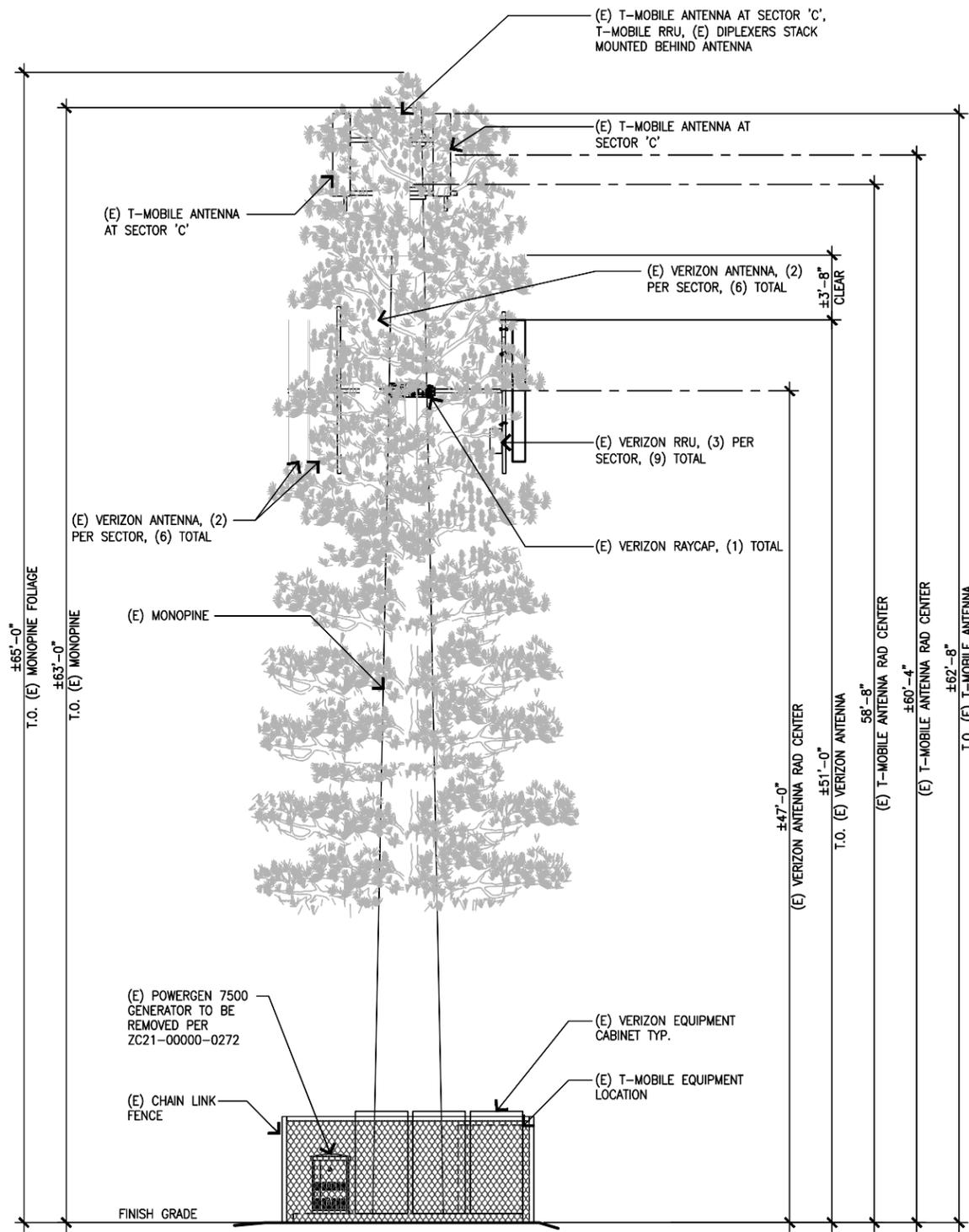
7543 Woodley Ave., #201, Van Nuys, CA 91406
Office: (818) 840-0808 Fax: (818) 840-0708

DRAWN BY: VRR CHK.: PAD APV.: JN

LICENSURE:

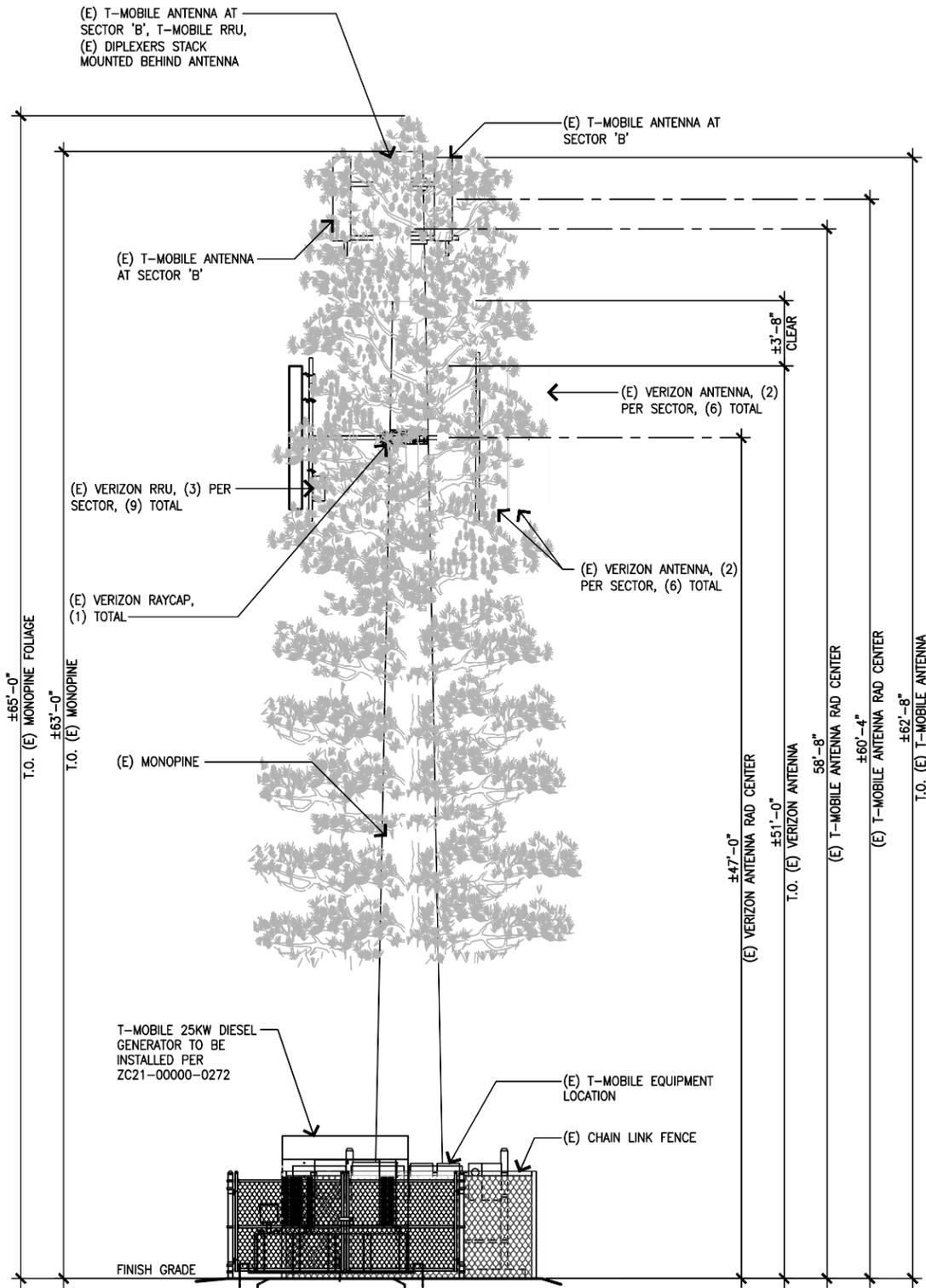
SHEET TITLE:
ELEVATIONS

SHEET NUMBER: **A-4** REVISION: **C**
US-CA-1154



(E) WEST ELEVATION

SCALE: 1/4"=1'-0"
0 1' 2' 4' 8' 2



(E) EAST ELEVATION

SCALE: 1/4"=1'-0"
0 1' 2' 4' 8' 1

EXHIBIT 4

DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 5113, (AS MODIFIED BY MINOR MODIFICATION CASE NOS. LU09-0113 AND PL20-0130 AND ADJUSTED BY PERMIT ADJUSTMENT PERMIT NOS. PL14-0186 and PL16-0038) FOR “DENNISON PARK” WIRELESS COMMUNICATION FACILITY

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. Planning Division Conditions

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 through 4 of the Planning Director hearing on November 4, 2021, and conditions of approval set forth below. Together, these conditions and documents describe the “Project.” Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

A modified CUP has been granted to authorize the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period. The WCF includes an overall 65-foot high monopine with T-Mobile and Verizon panel antennas and associated equipment co-located on the monopine at centerline of 60 feet, four inches and 47 feet, respectively. The existing WCF is enclosed by a six-foot, six-inch chain link fenced area and located over a 300-foot lease area within the Ventura County owned “Dennison Park.” The existing equipment on the monopine includes the following:

T-Mobile:

- Nine (9) panel antennas, (three per sector);
- Six (6) radio remote units, (two per sector); and,
- Two (2) equipment cabinets.

Verizon:

- Twelve (12) panel antennas, (four per sector);
- Nine (9) radio remote units, (three per sector); and,
- Three (3) equipment cabinets.

Draft Conditions of Approval for CUP 5113 (PL20-0130) Permittee: PTI US Towers II, Attn: Kyle Hargrave

Location: Dennison Park, 7250 Ojai Santa Paula Road, Ojai

Date of Public Hearings: October 5, 2000, November 29, 2010, and November 4, 2021

Date of Approval: TBD

The project does not authorize any changes to the existing WCF including equipment upgrades, exterior lighting, grading or fencing. Water service is not required for the continued use, operation or maintenance of the WCF. The WCF shall continue to be unmanned, except for occasional periodic maintenance visits, and may operate 24 hours per day, 365 days per year. Access to the WCF shall remain available from Ojai Santa Paula Road, a paved, public road, followed by a paved, public road through Dennison Park.

The development, use, and maintenance of the property and the size, shape, arrangement, and location of structures shall conform to the project description above and all approved County land use hearing exhibits in support of the Project and conditions of approval below.

2. Required Improvements for CUP

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

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

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

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit all final development plans to the Planning Division for review and approval. Unless the Planning Director and/or Public Works Agency Director allow the Permittee to provide financial security and a final executed agreement, approved as to form by the County Counsel, that ensures completion of such improvements, the Permittee shall complete all required improvements prior to final inspection. The Permittee shall maintain the required improvements for the life of the Project.

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

Draft Conditions of Approval for CUP 5113 (PL20-0130) Permittee: PTI US Towers II, Attn: Kyle Hargrave

Location: Dennison Park, 7250 Ojai Santa Paula Road, Ojai

Date of Public Hearings: October 5, 2000, November 29, 2010, and November 4, 2021

Date of Approval: TBD

3. Site Maintenance

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

Requirement: The Permittee shall maintain the Project site in a neat and orderly manner, and in compliance with the Project description set forth in Condition No. 1. Only equipment and/or materials which the Planning Director determines to substantially comply with the Project description shall be stored within the Project site during the life of the Project.

Documentation: The Permittee shall maintain the Project site in compliance with Condition No. 1 and the approved plans for the Project.

Timing: The Permittee shall maintain the Project site in a neat and orderly manner and in compliance with Condition No. 1 throughout the life of the Project.

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

4. CUP Modification

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

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

5. Acceptance of Conditions and Schedule of Enforcement Responses

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

Draft Conditions of Approval for CUP 5113 (PL20-0130) **Permittee:** PTI US Towers II, Attn: Kyle Hargrave
Location: Dennison Park, 7250 Ojai Santa Paula Road, Ojai
Date of Public Hearings: October 5, 2000, November 29, 2010, and November 4, 2021
Date of Approval: TBD

Non-Coastal Zoning Ordinance (Article 14), which shall include, but is not limited to, the following:

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

The Permittee is responsible for being aware of and complying with the CUP conditions and all applicable federal, state, and local laws and regulations.

6. Time Limits

- a. Use inauguration:

The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval date on which the Planning Director rendered the decision on the Project, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for use inauguration in order to initiate the land uses set forth in Condition No. 1

- (1) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for use inauguration within one year from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for use inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.
- (2) Prior to the issuance of the Zoning Clearance for use inauguration, all fees and charges billed to that date by any County agency, as well as any fines, penalties, and sureties, must be paid in full. After issuance of the Zoning Clearance for use inauguration, any final billed processing fees must be paid within 30 days of the billing date or the County may revoke this CUP.

- b. Permit Life or Operations Period: This CUP will expire on [insert date]. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by

Draft Conditions of Approval for CUP 5113 (PL20-0130) **Permittee:** PTI US Towers II, Attn: Kyle Hargrave
Location: Dennison Park, 7250 Ojai Santa Paula Road, Ojai
Date of Public Hearings: October 5, 2000, November 29, 2010, and November 4, 2021
Date of Approval: TBD

this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:

- (1) The Permittee has filed a permit modification application pursuant to § 8111-6 of the Ventura County Non-Coastal Zoning Ordinance prior to [expiration date]; and
- (2) The County decision-maker grants the requested modification.

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the Ventura County Non-Coastal Zoning Ordinance.

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

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

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

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

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration.

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

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

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

Requirement: Unless otherwise required by the Planning Director, the Permittee shall notify, in writing, the Property Owner(s) of record, contractors, and all other parties and

Draft Conditions of Approval for CUP 5113 (PL20-0130) **Permittee:** PTI US Towers II, Attn: Kyle Hargrave
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vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this CUP.

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

Timing: Throughout the life of the Project.

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

9. Recorded Notice of Land Use Entitlement

Purpose: The Permittee shall record a "Notice of Land Use Entitlement" form and the conditions of this CUP with the deed for the subject property that notifies the current and future Property Owner(s) of the conditions of this CUP.

Requirement: The Permittee 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 and the conditions of this CUP, with the deed of the property that is subject to this CUP.

Documentation: Recorded "Notice of Land Use Entitlement" form and conditions of this CUP.

Timing: The Permittee shall record the "Notice of Land use Entitlement" form and conditions of this CUP, prior to issuance of a Zoning Clearance for use inauguration.

Monitoring and Reporting: The Permittee shall return a copy of the recorded "Notice of Land Use Entitlement" form and conditions of this CUP to Planning Division staff to be included in the Project file.

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Non-Coastal Zoning Ordinance (§ 8114-3) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the

rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

- b. Pursuant to the requirements of CUP 5113 (LU09-0113), the Resource Management Agency created Condition Compliance Case No. CC06-0095 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly imposed civil administrative penalties, regarding CUP 5113. The Planning Division will continue to use Condition Compliance Case No. CC06-0095 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 10.a (above), and any duly imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC06-0095, in a form provided by the Planning Division, obligating the Permittee to pay all condition compliance review, monitoring, and enforcement costs, and any civil administrative penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

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

11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out

of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.

- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, 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 Indemnified Parties for injury or damage to persons or property.

12. Invalidation of Condition(s)

If any of the conditions or limitations of this CUP are held to be invalid in whole or in part by a court of competent jurisdiction, that holding shall not invalidate any of the remaining CUP conditions or limitations. In the event that any condition imposing a fee, exaction, dedication, or other mitigation measure is challenged by the Permittee in an action filed in a court of competent jurisdiction, or threatened to be filed therein, the Permittee shall be required to fully comply with this CUP, including without limitation, by remitting the fee, exaction, dedication, and/or by otherwise performing all mitigation measures being challenged. This CUP shall continue in full force unless, until, and only to the extent invalidated by a final, binding judgment issued in such action.

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for the significant impacts that are not mitigated to a level of insignificance as a result of the invalidation of the condition, then this CUP may be revoked.

13. Consultant Review of Information and Consultant Work

The County and all other County permitting agencies for the Project have the option of referring any and all special studies that these conditions require to an independent and

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qualified consultant for review and evaluation of issues beyond the expertise or resources of County staff.

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

The Permittee may hire private consultants to conduct work required by the County, but only if the consultant and the consultant's proposed scope-of-work are first reviewed and approved by the County. The County retains the right to hire its own consultants to evaluate any work that the Permittee or a contractor of the Permittee undertakes. In accordance with Condition No. 13 above, if the County hires a consultant to review any work undertaken by the Permittee or hires a consultant to review the work undertaken by a contractor of the Permittee, the hiring of the consultant will be at the Permittee's expense.

14. Relationship of CUP Conditions, Laws, and Other Entitlements

The Permittee shall implement the Project in compliance with all applicable requirements and enactments of federal, state, and local authorities. In the event of conflict between various requirements, the more restrictive requirements shall apply. In the event the Planning Director determines that any CUP condition contained herein is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval 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.

15. Contact Person

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

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

Documentation: The Permittee shall provide the Planning Director with the contact information (e.g., name and/or position title, address, business and cell phone numbers,

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and email addresses) of the Permittee's field agent who receives all orders, notices, and communications regarding matters of condition and code compliance at the Project site.

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

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

16. Change of Permittee

Purpose: To ensure that the Planning Division is properly and promptly notified of any change of Permittee.

Requirement: The Permittee shall file, as an initial notice with the Planning Director, the new name(s), address(es), telephone/FAX number(s), and email addresses of the new owner(s), lessee(s), operator(s) of the permitted uses, and the company officer(s). The Permittee shall provide the Planning Director with a final notice once the transfer of ownership and/or operational control has occurred.

Documentation: The initial notice must be submitted with the new Permittee's contact information. The final notice of transfer must include the effective date and time of the transfer and a letter signed by the new Property Owner(s), lessee(s), and/or operator(s) of the permitted uses acknowledging and agreeing to comply with all conditions of this CUP.

Timing: The Permittee shall provide written notice to the Planning Director 10 calendar days prior to the change of ownership or change of Permittee. The Permittee shall provide the final notice to the Planning Director within 15 calendar days of the effective date of the transfer.

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

17. Materials and Colors in the SRP Overlay Zone

Purpose: In order to ensure that buildings and structures comply with the development standards of the Scenic Resource Protection Overlay Zone § 8109-4.1.5 of the Ventura

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County Non-Coastal Zoning Ordinance and Ventura County General Plan Policy 1.7.2.2(3)(e) and blend in with the Project site's surroundings.

Requirement: The Permittee shall utilize building materials and colors compatible with surrounding terrain (earth tones and non-reflective paints) on exterior surfaces of all structures, including but not limited to walls, fences and all support poles, including attached panel antennas, ancillary equipment, cables, etc.

Documentation: A copy of the approved plans denoting the building materials and colors.

Timing: Prior to the issuance of a Zoning Clearance for use inauguration, the Permittee shall submit the building plans with the colors and materials noted on all structures for review and approval by the Planning Division. Prior to final inspection, the Permittee shall paint the structures according to the approved plans.

Monitoring and Reporting: The Planning Division maintains the approved plans in the Project file. Prior to final inspection, the Planning Division has the authority to inspect the site to ensure that the exterior of the structures are treated as approved. The Permittee shall maintain these materials and colors throughout the life of the Project. The Planning Division has the authority to inspect the site to confirm on-going compliance with the approved plans consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

18. Color/Material/Manufacture Specifications

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

Requirement: The Permittee shall:

- a. construct and maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- b. provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans;
- c. construct and maintain the site in compliance with the approved plans and photo-simulations; and
- d. provide photos to the Planning Division to verify that the facility is constructed as approved.

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Documentation: The Permittee shall provide plans, photo simulations, and a materials sample/color board to the Planning Division for review and approval. Prior to final inspection of the communication facility, the Permittee shall provide photographs demonstrating that the Permittee constructed the facility in compliance with the approved plans, photo simulations, and materials sample/color board.

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

Monitoring and Reporting: The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the Project file. The Permittee shall provide photos of the constructed facility to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee constructed and painted the facility according to the approved plans, photo simulations, and materials sample/color board. The Planning Division maintains the Permittee's approved plans, photo simulations, materials sample/color board, and (if submitted in lieu of a site inspection) photo documentation in the Project file. The Planning Division has the authority to ensure ongoing compliance with this condition pursuant to the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

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

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

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

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

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

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

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

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

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

20. Future Collocation of Wireless Telecommunication Facilities and Equipment

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

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

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

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

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

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Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

II. Environmental Health Division (EHD) Conditions

21. Hazardous Materials Management

Purpose: To ensure the storage, handling, and disposal of any potentially hazardous material complies with applicable state regulations.

Requirement: If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. Used batteries must be properly disposed of or recycled in accordance with state and local regulations.

Monitoring: Ventura County Environmental Health Division/Certified Unified Program Agency issues hazardous material and hazardous waste permits in Ventura County.

OTHER VENTURA COUNTY AGENCIES

III. Ventura County Fire Protection District (VCFPD) Conditions

22. Hazardous Fire Area

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

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

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

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

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

23. Hazard Abatement

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

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Requirement: The clearance requirements of Section W105.1 shall apply to communication site towers and their support Buildings; required fire protection water supplies including water tanks, water supply pumps and pump houses; and any other utility Structure as required by the Fire Code Official. The Fire Code Official may consider a reduced distance, not less than 30 feet, for communication site towers, water tanks and Structures with no interior space, based upon a site risk assessment. Note: A Notice to Abate Fire Hazard may be recorded against the parcel.

Documentation: A signed copy of the Ventura County Fire Protection District's Form #126 "Requirement for Construction" or the "Notice to Abate" issued under the Fire District's Fire Hazard Reduction Program.

Timing: The Permittee shall remove all grass and brush as outlined by the Ventura County Fire Protection District's Fire Hazard Reduction Program guidelines before the start of construction on any structure.

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

24. Fire Code Permits

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

Requirement: The Permittee shall obtain all applicable Fire Code permits.

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

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

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

25. Inspection Authority

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

Requirement: The Permittee, by accepting these project conditions of approval, shall acknowledge that the fire code official (Fire District) is authorized to enter at all

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reasonable times and examine any building, structure or premises subject to this project approval for the purpose of enforcing the Fire Code and these conditions of approval.

Documentation: A copy of the approved entitlement conditions.

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

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