



## Planning Director Staff Report– Hearing on March 3, 2022

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)

### “FARIA BEACH” WIRELESS COMMUNICATION FACILITY (WCF), CONDITIONAL USE PERMIT (CUP), CASE NO. PL21-0036

#### A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a reinstated Conditional Use Permit (CUP) for the continued operation of an existing Wireless Communication Facility (WCF) for a 10-year period. (Case No. PL21-0036)
2. **Applicant:** Clare Corcoran, c/o American Tower Corporation, 10 Presidential Way, Woburn, MA 01801.
3. **Property Owner:** Faria Family Partnership, LTD. PO Box 11, Ventura, CA 93002
4. **Applicant’s Representative:** Scott Dunaway, c/o D4 Communications, 1114 State Street, Suite 234, Santa Barbara, CA 93101.
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 4351-D Faria Road, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number (APN) for the parcel that constitutes the project site is 060-0-380-290 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
  - a. Countywide General Plan Land Use Map Designation: Open Space
  - b. Zoning Designation: COS-10ac-sdf (Coastal Open Space, 10-acre minimum lot area-Slope/Density Formula)
8. **Adjacent Zoning and Land Uses/Development (Exhibit 2):**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	COS-10ac-sdf	Agricultural Uses, undeveloped open space, and U.S. Highway 101
East	COS-10ac-sdf	Agriculture (e.g., citrus orchard and palm tree nursery), Old Pacific Coast Highway (PCH), and single-family residential

Location in Relation to the Project Site	Zoning	Land Uses/Development
South	COS-10ac-sdf and RB-3,000 sq. ft. (Residential Beach, 3,000 square foot minimum lot area)	Southern Pacific Transcontinental Railway and Old PCH, followed by Faria Park Campground and single-family residential
West	COS-10ac-sdf	Southern Pacific Transcontinental Railway and Old PCH, followed by the Pacific Coast ocean

**9. History:**

In 1995, the Planning Commission approved CUP 4888 for the subject WCF, located on a 1,306-square-foot portion (APN 060-0-380-290) of the 3.57-acre property site (APN 060-0-380-305). The subject WCF consisted of a 360-square-foot equipment shelter, a 30-foot steel monopole with eight (8) four-foot by one-foot panel antennas, three (3) maximum four-foot diameter microwave dishes, one (1) 4-inch diameter GPS antenna, and one (1) two-foot Loran whip antenna.

In 2005, CUP 4888 expired, prior to the applicant applying for an extension.

In 2008, the applicant submitted a new CUP (LU08-0020) for the continued use of the existing but expired WCF (CUP 4888). In 2010, the Planning Commission considered the application for approval but continued the item to allow the applicant time to redesign facility to reduce its visual impacts. In 2011, the Planning Commission approved LU08-0020 authorizing the continued use of the WCF. LU08-0020 also replaced the 30-foot monopole with a 30-foot faux mono-palm WCF. Subsequently, CUP LU08-0020 expired on January 13, 2021.

The subject CUP application (PL21-0036) was submitted to the County on April 23, 2021 and deemed complete for processing on May 19, 2021.

**10. Project Description:** The applicant requests approval of a CUP for the existing communications facility (CUP 4888), which expired prior to the submittal of this application. No new structures or equipment are proposed with this project. Therefore, the request is for a 10-year continuation of the existing communications facility.

The WCF consists of a 30-foot high monopalm with fronds extending to a height of 35 feet. The WCF also consists of:

- Ten (10) panel antennas mounted in two arrays of five (5) antennas each;
- One (1) 4-foot diameter microwave dish mounted at the 10-foot height of the monopalm; and
- A 416-square foot equipment building including condenser and transformer.

The facility is located within a 1,420-square-foot (40' x 35'6") lease area, which is surrounded by a 6-foot chain-link fence topped with barbed wire. The project also includes the use of an emergency generator located within the existing fenced area. There are no proposed modifications to the existing facility.

The WCF would be unmanned and automated, except for occasional periodic maintenance visits that would occur once per month. The WCF would operate 24 hours per day. The site is accessed via private non-paved driveway from Faria Road. Water service is not required to operate or maintain the proposed project, and no exterior lighting or grading is proposed. (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. The proposed project would include the continued use, operation, and maintenance of an existing WCF. The proposed project qualifies for Class I Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. Therefore, no further environmental review is required.

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

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

The proposed project has been analyzed and determined to be consistent with all applicable Coastal Area Plan policies. A consistency analysis which evaluates the project's consistency with the policies of the Coastal Area Plan is included as Exhibit 4 of this staff report.

## **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 COS zone district with the granting of a CUP. Upon the granting of the CUP, the proposed project would 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 8175-5.20.3 (a.), Concealment Requirements:</b></p> <p><i>To minimize visual impacts, the following standards shall apply:</i></p> <ol style="list-style-type: none"> <li>1. <i>Any facility that is 50 feet or less in height shall be designed as a stealth facility;</i></li> <li>2. <i>Whenever technically feasible, any facility that is 51 to 80 feet in height shall be designed as a stealth facility; and</i></li> <li>3. <i>Any facility that exceeds 80 feet in height shall be defined as a non-stealth facility but shall utilize all feasible concealment techniques in facility design.</i></li> </ol>	<p>Yes, the project is not proposing any modifications and the height of the existing stealth WCF is 35 feet.</p>
<p><b>Section 8175-5.20.3 (c.), Making Wireless Communication Facilities Compatible with the Existing Setting:</b></p> <p><i>Wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</i></p> <ol style="list-style-type: none"> <li>1. <i>Location: To the maximum extent feasible, facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility;</i></li> <li>2. <i>Facility Design: Facilities shall be designed (i.e. size, shape, color, and materials) to blend in with the existing topography, vegetation, buildings, and structures on the project site as well as its existing setting to the maximum extent feasible; and</i></li> <li>3. <i>Interference with Access and Transportation: Facilities shall not interfere with public access to and along the coast, and shall not alter any method of transportation, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct clear line-of sight triangles within the public right-of-way.</i></li> <li>4. <i>Military Compatibility: Facilities should be sited and designed for compatibility with military security requirements and frequency spectrum needs to avoid interference with military operations.</i></li> </ol>	<p>Yes, the project is a 35-foot stealth mono-palm WCF. The facility is designed to blend in with the existing vegetation and setting. The project would not interfere with public access to and along the coast.</p>
<p><b>Section 8175-5.20.3 (e), Preferred Locations:</b></p> <p><i>The following sites are defined as “preferred” locations:</i></p> <ol style="list-style-type: none"> <li>1. <i>Collocated on an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Sec. 8175-5.20.6), with the exception of locations where a collocated facility would degrade the visual quality of the area.</i></li> <li>2. <i>Flush-mounted on an existing structure, pole, or building when located in the COS, CA and CM zones.</i></li> <li>3. <i>Within the public road rights-of-way along existing developed roadways and mounted on existing overhead</i></li> </ol>	<p>Yes, the project is in close proximity to existing WCFs’ and the clustered facilities would be more protective of coastal resources when compared to non-clustered facility configuration.</p>

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

Special Use Standard	Complies?
<p><i>utility facilities, streetlight poles, or traffic signals, with the exception of facilities located on scenic or eligible scenic highways.</i></p> <p>4. <i>In locations where the existing setting includes features of sufficient height and mass to effectively conceal the wireless communication facility, such as settings where the facility can be concealed in an existing building or nestled within an existing grove of trees.</i></p> <p>5. <i>Located within, contiguous with, or in close proximity to existing wireless communication facilities, provided that the clustered facilities will be more protective of coastal resources when compared to a non-clustered facility configuration.</i></p>	
<p><b>Section 8175-5.20.3 (h)(4b), Stealth Facility Height:</b></p> <p><i>Faux trees shall maintain natural appearance and shall be similar in height to nearby trees. The maximum allowable height of a faux tree shall be as follows:</i></p> <ul style="list-style-type: none"> <li><i>i. No Nearby Trees: Maximum heights in Table 2 apply if there are no trees within 150-foot radius of the faux tree.</i> <ul style="list-style-type: none"> <li><i>a) Mono-Broadleaves- 60 feet</i></li> <li><i>b) Mono-Palm- 65 feet</i></li> <li><i>c) Mono-Pine- 80 feet</i></li> </ul> </li> <li><i>ii. Tree Canopy: The maximum height of a faux tree located within, or adjacent to, a tree canopy may extend up to 15 feet above the height of the existing tree canopy when both of the criteria listed below are met:</i> <ul style="list-style-type: none"> <li><i>a) The applicant demonstrates, to the satisfaction of the Planning Director, that a lower faux tree height would result in obstructed coverage of the proposed facility due to the existing tree canopy; and</i></li> <li><i>b) The average tree height of the canopy is at least 30 feet high, and the nearest tree in the canopy is located within 150 feet of the faux tree; and the faux tree is sited behind the canopy relative to public viewing areas.</i></li> </ul> <p><i>Calculations for the height of the existing tree canopy may be increased to include the estimated growth of trees within the canopy at the end of the permit period, provided that such estimates are prepared by a certified arborist.</i></p> </li> <li><i>iii. Surrounding Trees (non-canopy): A faux tree may extend up to 5 feet above the maximum height of trees within a 150-foot radius. The maximum height of surrounding trees should be measured using existing tree heights, unless a certified arborist provides an estimated maximum height that includes average growth of the surrounding trees at the end of the permit period.</i> <ul style="list-style-type: none"> <li><i>d) Slim-line pole wireless communication facilities shall not exceed 50 feet in height.</i></li> <li><i>e) Roof-mounted wireless communication facilities shall not exceed six feet in height from the finished roof of the existing building.</i></li> </ul> </li> </ul>	<p>Yes, the WCF is an existing 35-foot monopalm. The WCF does not extend above the nearby existing trees.</p>

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

Special Use Standard	Complies?
<p>f) <i>Flush-mounted wireless communication facilities shall not extend above the finished building height. If mounted on a structure other than a building, such as a pole, then the antenna shall not extend more than six feet above the structure.</i></p>	
<p><b>Section 8175-5.20.3 (i), Setbacks:</b></p> <ol style="list-style-type: none"> <li>1. <i>All wireless communication facilities shall comply with the required minimum front, side, and rear yard setbacks for the zone in which the site is located. No portion of an antenna array shall extend beyond the property lines.</i></li> <li>2. <i>Ground-mounted wireless communication facilities shall be set back a distance equal to the total facility height or 50 feet, whichever is greater, from any offsite dwelling unit.</i></li> <li>3. <i>Whenever feasible, a new ground-mounted wireless communication facility shall be set back from a property line to avoid creating the need for fuel modification zone clearance on adjacent properties.</i></li> </ol>	<p>Yes, no portion of the of an antenna array would extend beyond the property lines. The proposed WCF meets all setbacks from the property lines.</p>
<p><b>Section 8175-5.20.3 (j), Retention of Concealment Elements:</b></p> <p><i>No modification of an existing wireless communication facility shall be authorized that would defeat the concealment elements of the permitted facility. Concealment elements are defeated if any of the following occur:</i></p> <ol style="list-style-type: none"> <li>1. <i>A stealth facility is modified to such a degree that it results in a non-stealth facility; or</i></li> <li>2. <i>The stealth facility no longer meets the applicable development standards for stealth facilities in Sections 8175-5.20.3 and 8175-5.20.4(a); or</i></li> <li>3. <i>Equipment and antennas are no longer concealed by the permitted stealth design features; or</i></li> <li>4. <i>Proposed modifications to a stealth facility, designed to represent a commonly found element in the environment or community (such as a tree, rock, or building), result in a facility that no longer resembles the commonly found element due to its modified height, size, or design.</i></li> </ol>	<p>Yes, there are no proposed modifications to the existing WCF.</p>
<p><b>Section 8175-5.20.3 (k), Additional Standards for Specific Types of Wireless Communication Facilities:</b></p> <ol style="list-style-type: none"> <li>4. <b>Faux Trees:</b> <ol style="list-style-type: none"> <li>(a) <i>Shall incorporate a sufficient amount of “structural branches” (including density and vertical height) and design materials (e.g. faux bark) so that the structure is as natural in appearance as technically feasible.</i></li> <li>(b) <i>Antennas and antenna support structures shall be screened or colored to match the components (i.e. branches and leaves) of the faux tree.</i></li> <li>(c) <i>Shall be the same type of tree (i.e. similar in color, height, shape, etc.) as existing trees in the surrounding area (i.e. within approximately a 150-foot radius of the</i></li> </ol> </li> </ol>	<p>Yes, the existing mono-palm WCF incorporates a sufficient amount of “structural branches” (including density and vertical height) and design materials so that the structure is as natural in appearance and technically feasible. The existing WCF does not resemble non-native or invasive trees.</p>

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

Special Use Standard	Complies?
<p><i>proposed facility location). If there are no existing trees, see tree planting requirements in Section 8175-5.20.3(r).</i></p> <p><i>(d) Wireless communication facilities designed as a faux tree shall not resemble non-native, invasive trees (see Appendix L6, Invasive Plant List).</i></p>	
<p><b>Section 8175-5.20.3 (l) Historical Landmarks/ Site of Merit:</b></p> <p>1. <i>A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior’s (SOI) Standards. If the facility does not meet these standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</i></p>	<p>Yes, the existing WCF would not be constructed or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit.</p>
<p><b>Section 8175-5.20.3 (m), Environmentally Sensitive Habitat Areas:</b></p> <p><i>All wireless communication facilities and their accessory equipment in environmentally sensitive habitat areas shall be sited, designed, and conditioned as follows:</i></p> <p>1. <i>The placement of facilities within ESHA or an ESHA buffer zone shall be restricted (see restricted location regulations in Sec. 8175-5.20.3(g)).</i></p> <p>2. <i>The facility shall be designed to minimize the size of the footprint and removal of vegetation, including all associated development and required fuel modification.</i></p> <p>3. <i>Where feasible, the facility shall be located in an existing, legally disturbed area.</i></p> <p>4. <i>Wireless communication facilities shall have daytime visual markers on guy wires to prevent collisions by birds.</i></p> <p>5. <i>All impacts on ESHA due to the development of wireless communication facilities shall be mitigated.</i></p>	<p>Yes, the WCF is existing and is not located within a ESHA zone. The WCF is located in an existing legally disturbed area. There are no proposed modifications to the existing facility.</p>
<p><b>Section 8175-5.20.3 (o), Public Viewing Areas:</b></p> <p>Wireless communication facilities that are prominently visible from public viewing areas, including a designated or eligible scenic highway shall be sited, designed, and conditioned to achieve the following:</p> <p>1. Minimize visibility from public viewing areas by reducing mass and height or by siting the facility away from public viewing areas.</p> <p>2. Minimize grading, landform alteration, and clearance of vegetation.</p>	<p>Yes, the existing WCF is north of California State Highway 1, which is an eligible State Scenic Highway. The WCF is 35 feet in height, which is smaller than the maximum allowed height. There is no proposed grading or clearing of vegetation.</p>
<p><b>Section 8175-5.20.3 (p), Accessory Equipment:</b></p> <p>All accessory equipment associated with the operation of a wireless communication facility shall be incorporated within existing structures, located underground, or placed at ground-level and screened to prevent the facility from being prominently visible from a public viewing area to the maximum extent feasible. If such locations are not feasible, then accessory equipment may be</p>	<p>Yes, all accessory equipment associated with the existing WCF are placed at ground-level and are screened to prevent the facility from being prominently visible from the public viewing area to the maximum extent feasible.</p>

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

Special Use Standard	Complies?
<p>located on a utility pole or other structure, provided that the equipment meets the following standards:</p> <ol style="list-style-type: none"> <li>1. The battery cabinet, amplifiers, microwave antennas, and equipment mounts shall be designed or painted to match the color of the support structure;</li> <li>2. The battery cabinets shall be located within three feet of the ground surface unless this placement would impede access pursuant to the Americans with Disabilities Act; and</li> <li>3. Cables shall be installed within steel poles when feasible. External cables shall be taut and loops of cable shall not be exposed.</li> </ol>	
<p><b>Section 8175-5.20.3 (q), Colors and Materials:</b>                      All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</p>	<p>Yes, all colors and materials used for the WCF blend in with the natural surroundings. There would be no reflective materials.</p>
<p><b>Section 8175-5.20.3 (r), Landscaping for Screening:</b>                      If landscaping is used to screen a facility, the following standards apply:</p> <ol style="list-style-type: none"> <li>1. The permittee shall plant, irrigate and maintain drought-tolerant landscaping during the life of the permit when such vegetation is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewing area.</li> <li>2. New landscaping of a sufficient height and density shall be planted to provide the desired effect within three (3) years of growth. Landscaping trees shall be planted at a sufficient height to reach 75 percent of the faux tree’s height within five (5) years of growth.</li> <li>3. If there are no existing trees within the surrounding area of a faux tree (i.e. within approximately a 150-foot radius of the proposed facility location), the vicinity of the facility shall be landscaped with newly planted native, or non-invasive trees (see Sec. 8178-8.4.1.2). The trees should be compatible with the faux tree design.</li> <li>4. New trees required as part of a landscape plan for a faux tree shall be a minimum size of 36-inch box to help ensure survival of the tree. Palm trees shall have a minimum brown trunk height of 16 feet.</li> </ol>	<p>Yes, the permittee would plant, irrigate and maintain drought-tolerant landscaping during the life of the permit when vegetation is deemed necessary to screen the WCF from being prominently visible from a public viewing area.</p>
<p><b>Section 8175-5.20.3 (s), Security:</b></p> <ol style="list-style-type: none"> <li>1. Each wireless communication 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, antilimbing devices, or other techniques to prevent unauthorized access and vandalism. All security measures shall be evaluated as part of the wireless communication facility permit and shall be sited and designed in a manner that is most protective of coastal resources.</li> <li>2. 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 except where the chain link fence is not visible from a public viewing area.</li> </ol>	<p>Yes, the chain-link fence around the WCF is not visible from public viewing areas.</p>



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

Special Use Standard	Complies?
<p><b>Section 8175-5.20.3 (t), Lighting:</b></p> <ol style="list-style-type: none"> <li>1. Any necessary security lighting shall be down-shielded and controlled using motion sensors to minimize glare and light directed at adjacent properties or environmentally sensitive habitats.</li> <li>2. Other types of illumination may be permitted when required by the Federal Aviation Administration (FAA).</li> <li>3. Wireless communication facilities greater than 200 feet in height shall not exceed FAA standards for pilot warning and obstruction avoidance lighting.</li> </ol>	<p>Yes, all necessary security lighting would be shielded-down and controlled using motion sensors to minimize glare and light directed at adjacent properties or environmentally sensitive habitats.</p>
<p><b>Section 8175-5.20.3 (u), Signage:</b></p> <p>A permanent, weather-proof identification sign, subject to the sign regulations in Section 8175-5.13, shall be displayed at eye level in a prominent location and shall be directly attached to the facility, on any utility pole which the facility is mounted, or on the gate or fence surrounding the wireless communication facility. The sign must identify the current facility operator(s), provide the operator's address, and specify a local or toll-free 24-hour telephone number at which the operator can be reached for response to a maintenance issue or during an emergency.</p>	<p>Yes, the project includes replacing a weather-proof identification sign, subject to the sign regulations in Section 8175-5.13. The sign will be displayed at eye level in a prominent location and will be directly attached to the facility, on any utility pole which the facility is mounted, or on the gate or fence surrounding the wireless communication facility. The sign identifies the current facility operator(s), the operator's address, and a local or toll-free 24-hour telephone number at which the operator can be reached for response to a maintenance issue or during an emergency.</p>
<p><b>Section 8175-5.20.3 (v), Access Road:</b></p> <ol style="list-style-type: none"> <li>1. Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</li> <li>2. When the construction of a new access road cannot be avoided, the road shall be sited in a manner that is most protective of coastal resources and shall only be approved when consistent with all other policies and provisions of the LCP.</li> </ol>	<p>Yes, the WCF site is accessed via private road.</p>
<p><b>Section 8175-5.20.5 – Compliance with Federal, State and Local Law and Regulations</b></p> <p>The development and operation of wireless communication facilities must comply with all applicable federal, state and local laws, including all standards and regulations of the Federal Communications Commission (FCC).</p>	<p>Yes, the WCF would comply with all applicable federal, state and local laws including all standards and regulations of the FCC.</p>

## **E. CUP FINDINGS AND SUPPORTING EVIDENCE**

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8181-3.5 of the Ventura County CZO. 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 Coastal Area Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8181-3.5.a].**

Based on the information and analysis presented in Sections C (Exhibit 4) and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of Ventura 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 1995. The continued use and minor modification 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 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].**

As discussed in Finding 2 (above), the proposed project consists of the continued operation of an existing WCF. The ongoing agricultural 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 all WCF on the subject property. No adverse effect on the neighboring properties or ongoing uses has been identified that would result from the proposed project implementation of the conditions of approval (Exhibit 4 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 have 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.

**2. 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 and minor modification of an existing 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 February 16, 2022, the Planning Division mailed notice to owners of property within 500 feet and residents within 100 feet of the property on which the project site is located. On February 21, 2022, 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 CUP pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section D of this staff report and the entire record;
4. **GRANT** CUP Case No. PL21-0036, subject to the conditions of approval (Exhibit 5).
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 Christopher Alberts at (805) 654-3136 or Christopher.Alberts@ventura.org.

Prepared by:

Reviewed by:



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Christopher P. Alberts, 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 Maps
- Exhibit 3 Site Plans
- Exhibit 4 Coastal Plan Consistency
- Exhibit 5 Conditions of Approval



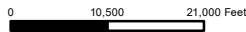
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Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map created on 01-21-2022

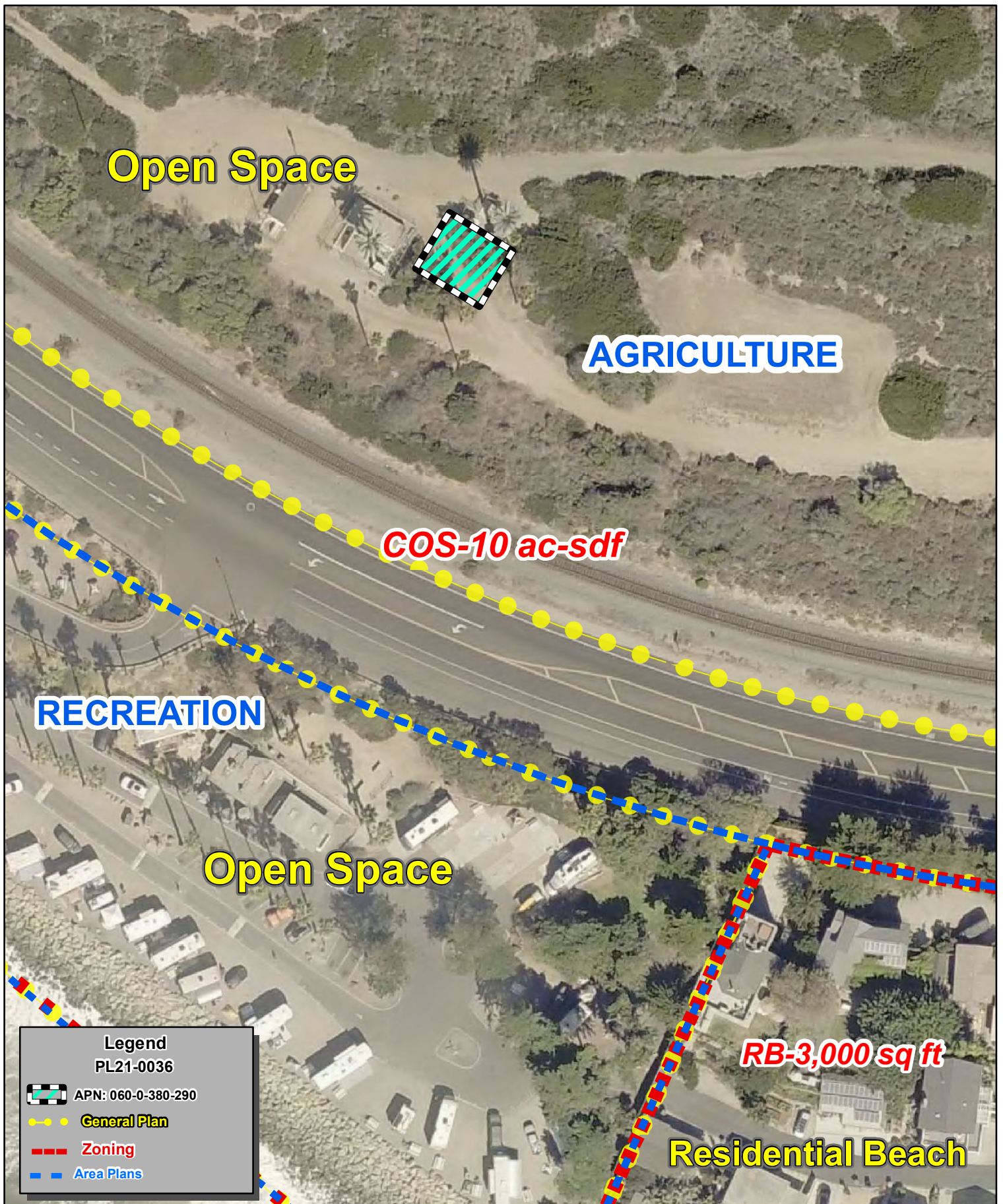


County of Ventura  
Planning Director Hearing  
Case No. PL21-0036  
Exhibit 2 - Maps



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 and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

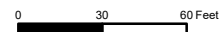




Ventura County, California  
 Resource Management Agency  
 GIS Development & Mapping Services  
 Map Created on 1-21-2022  
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**County of Ventura  
 Planning Director Hearing  
 PL21-0036  
 General Plan & Zoning Map**



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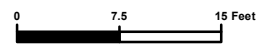




Ventura County, California  
Resource Management Agency  
GIS Development & Mapping Services  
Map Created on 1-21-2022  
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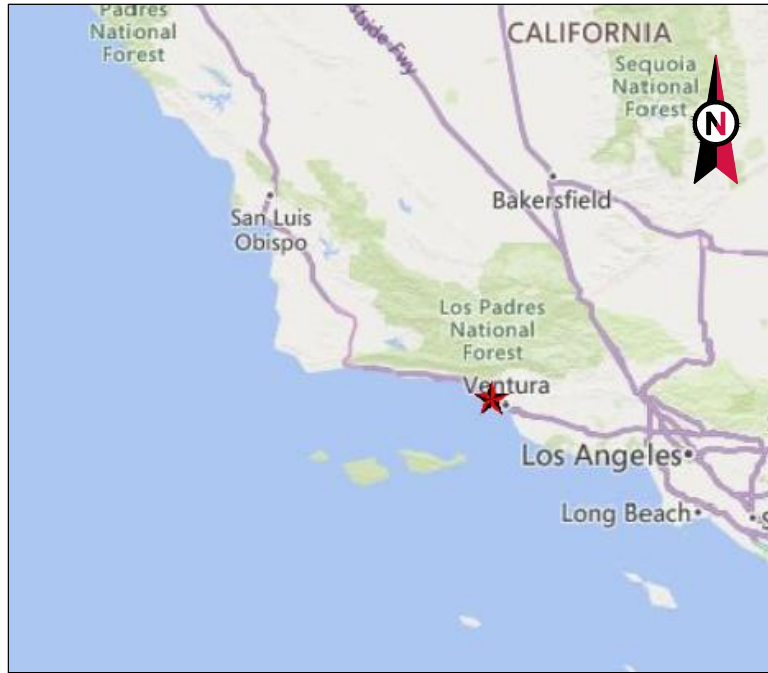


County of Ventura  
Planning Director Hearing  
PL21-0036  
**Aerial Photography**



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VICINITY MAP



**AMERICAN TOWER®**

**SITE NAME: FARIA BEACH**  
**SITE NUMBER: 300800**  
**SITE ADDRESS: 4351-D FARIA RD.**  
**VENTURA, CA 93001**



LOCATION MAP

**AMERICAN TOWER®**  
**ATC TOWER SERVICES, LLC**  
**3500 REGENCY PARKWAY**  
**SUITE 100**  
**CARY, NC 27518**  
**PHONE: (919) 468-0112**

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REV.	DESCRIPTION	BY	DATE
A	PRELIM	AV	01/19/21

ATC SITE NUMBER:  
**300800**  
 ATC SITE NAME:  
**FARIA BEACH**

SITE ADDRESS:  
 4351-D FARIA RD.  
 VENTURA, CA 93001

SEAL:

**PRELIMINARY:  
 NOT FOR  
 CONSTRUCTION**

DATE DRAWN: 01/19/21  
 ATC JOB NO: 13361504\_E1

**TITLE SHEET**

SHEET NUMBER: **G-001** REVISION: **A**

**CONDITIONAL USE PERMIT RENEWAL**

COMPLIANCE CODE	PROJECT SUMMARY	PROJECT DESCRIPTION	SHEET INDEX				
ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNMENT AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THESE CODES.  1. 2019 CALIFORNIA ADMINISTRATIVE CODE 2. 2019 CALIFORNIA BUILDING CODE 3. 2019 CALIFORNIA RESIDENTIAL CODE 4. 2019 CALIFORNIA ELECTRICAL CODE 5. 2019 CALIFORNIA PLUMBING CODE 6. 2019 CALIFORNIA ENERGY CODE 7. 2019 CALIFORNIA FIRE CODE 8. 2019 CALIFORNIA EXISTING BUILDING CODE 9. 2018 INTERNATIONAL BUILDING CODE (IBC) 10. NATIONAL ELECTRIC CODE (NEC) 11. LOCAL BUILDING CODE 12. CITY/COUNTY ORDINANCES	<u>SITE ADDRESS:</u> 4351-D FARIA RD. VENTURA, CA 93001 COUNTY: VENTURA  <u>GEOGRAPHIC COORDINATES:</u> LATITUDE: 34.319408 LONGITUDE: -119.390044 GROUND ELEVATION: 39' AMSL  <u>ZONING INFORMATION:</u> JURISDICTION: VENTURA PARCEL NUMBER: 060-0-380-305	THIS SUBMITTAL IS FOR RE-PERMITTING WITH VENTURA COUNTY. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS. NO CHANGES TO EXISTING ARE PROPOSED.  <b>PROJECT NOTES</b> 1. THE FACILITY IS UNMANNED. 2. A TECHNICIAN WILL VISIT THE SITE APPROXIMATELY ONCE A MONTH FOR ROUTINE INSPECTION AND MAINTENANCE. 3. EXISTING FACILITY MEETS OR EXCEEDS ALL FAA AND FCC REGULATORY REQUIREMENTS. 4. THE PROJECT WILL NOT RESULT IN ANY SIGNIFICANT LAND DISTURBANCE OR EFFECT OF STORM WATER DRAINAGE. 5. NO SANITARY SEWER, POTABLE WATER OR TRASH DISPOSAL IS REQUIRED. 6. HANDICAP ACCESS IS NOT REQUIRED.	SHEET NO:	DESCRIPTION:	REV:	DATE:	BY:
	<b>PROJECT TEAM</b>  <u>TOWER OWNER:</u> ATC SEQUOIA LLC 10 PRESIDENTIAL WAY WOBURN, MA 01801  <u>PROPERTY OWNER:</u> PN LL NO VENDOR 4351-D FARIA ROAD VENTURA, CA 93001  <u>ENGINEER:</u> ATC TOWER SERVICES 3500 REGENCY PARKWAY SUITE 100 CARY, NC 27518  <u>AGENT:</u> BONNIE BELAIR ATTORNEY, AMERICAN TOWER 10 PRESIDENTIAL WAY WOBURN, MA 01801	<b>PROJECT LOCATION DIRECTIONS</b>  FROM LOS ANGELES TAKE 101 FWY NW AND PROCEED TOWARDS VENTURA. NORTH OF VENTURA EXIT SAN MIGUELITTO RD. (LEFT) CROSS FREEWAY TO P.C.H. AND TURN RIGHT HEADING NORTH. PASS FARIA RD TO RAILROAD CROSSING ON RIGHT HAND SIDE. CONTINUE THROUGH FIRST GATE TO SITE.	G-001 TITLE SHEET C-101 OVERALL SITE PLAN C-102 DETAILED SITE PLAN & TOWER ELEVATION C-501 SIGNAGE				
<b>UTILITY COMPANIES</b>  POWER COMPANY: SOUTHERN CALIFORNIA EDISON PHONE: (805) 963-3671  TELEPHONE COMPANY: SBC PHONE: (800) 848-8000			<div style="border: 1px solid black; padding: 10px;">           County of Ventura            Planning Director Hearing            Case No. PL21-0036            Exhibit 3 - Site Plans         </div>				

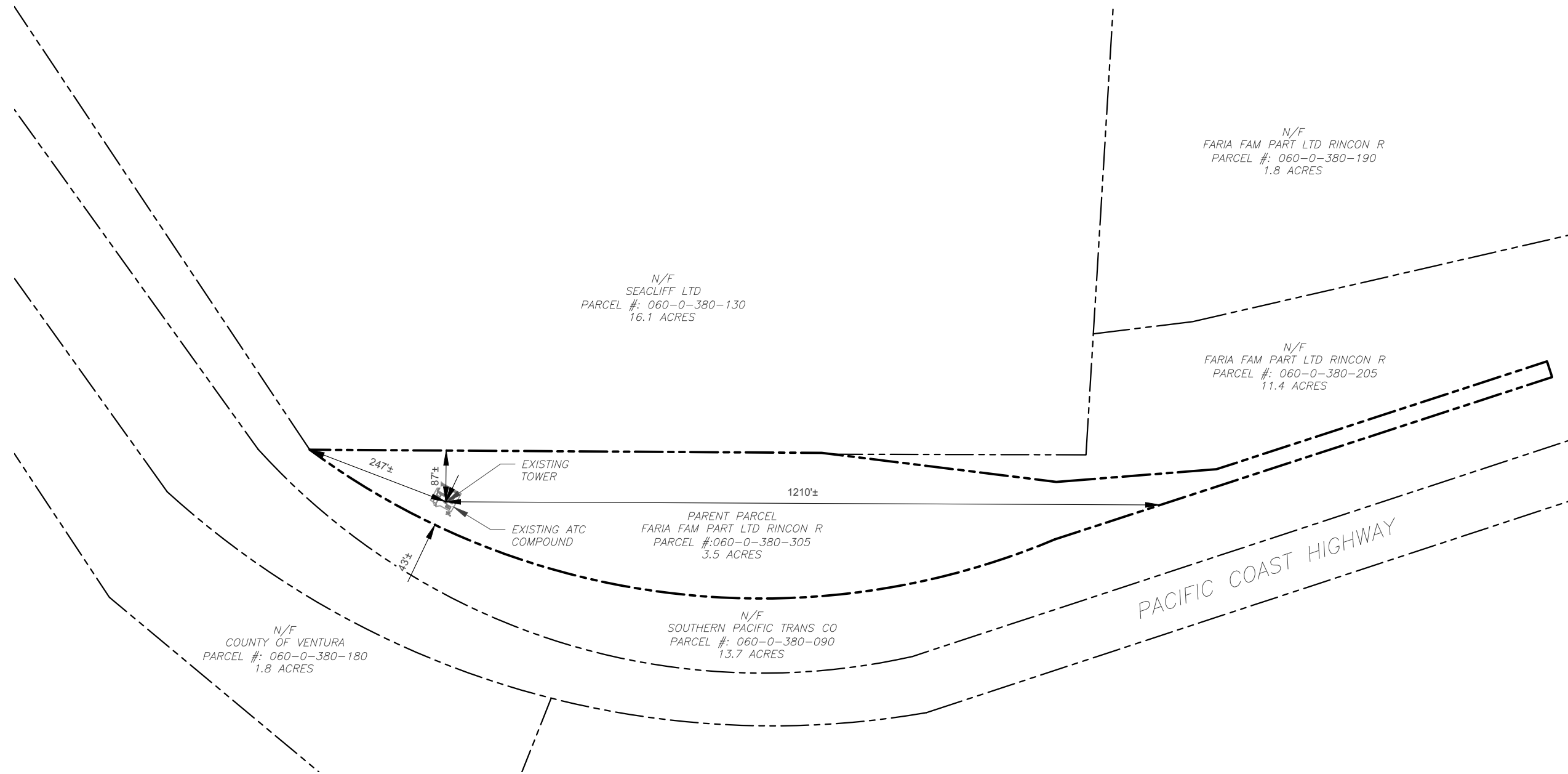


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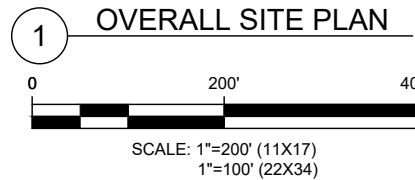
**NOTES:**

1. THIS SET OF DRAWINGS IS INTENDED TO DEPICT EXISTING SITE CONDITIONS ONLY. THE PROJECT WILL NOT RESULT IN ANY PROPOSED WORK.
2. BOUNDARY INFORMATION OBTAINED FROM: DATATREE ONLINE GIS



**SURVEY LEGEND**

- EXISTING PROPERTY
- EXISTING ADJ. PROPERTY
- EXISTING CHAINLINK FENCE
- EXISTING BUILDING
- EXISTING ROAD (STONE)
- EXISTING ROAD (PAVED)
- EXISTING CONCRETE



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REV.	DESCRIPTION	BY	DATE
A	PRELIM	AV	01/19/21

ATC SITE NUMBER:

**300800**

ATC SITE NAME:

**FARIA BEACH**

SITE ADDRESS:

4351-D FARIA RD.  
VENTURA, CA 93001

SEAL:

**PRELIMINARY:  
NOT FOR  
CONSTRUCTION**

DATE DRAWN:	01/19/21
ATC JOB NO:	13361504_E1

**OVERALL SITE PLAN**

SHEET NUMBER:	REVISION:
<b>C-101</b>	<b>A</b>

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**ATC TOWER SERVICES, LLC**  
 3500 REGENCY PARKWAY  
 SUITE 100  
 CARY, NC 27518  
 PHONE: (919) 468-0112

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REV.	DESCRIPTION	BY	DATE
A	PRELIM	AV	01/19/21

ATC SITE NUMBER:

**300800**

ATC SITE NAME:

**FARIA BEACH**

SITE ADDRESS:

4351-D FARIA RD.  
 VENTURA, CA 93001

SEAL:

**PRELIMINARY:  
 NOT FOR  
 CONSTRUCTION**

DATE DRAWN: 01/19/21

ATC JOB NO: 13361504\_E1

**DETAILED SITE PLAN &  
 TOWER ELEVATION**

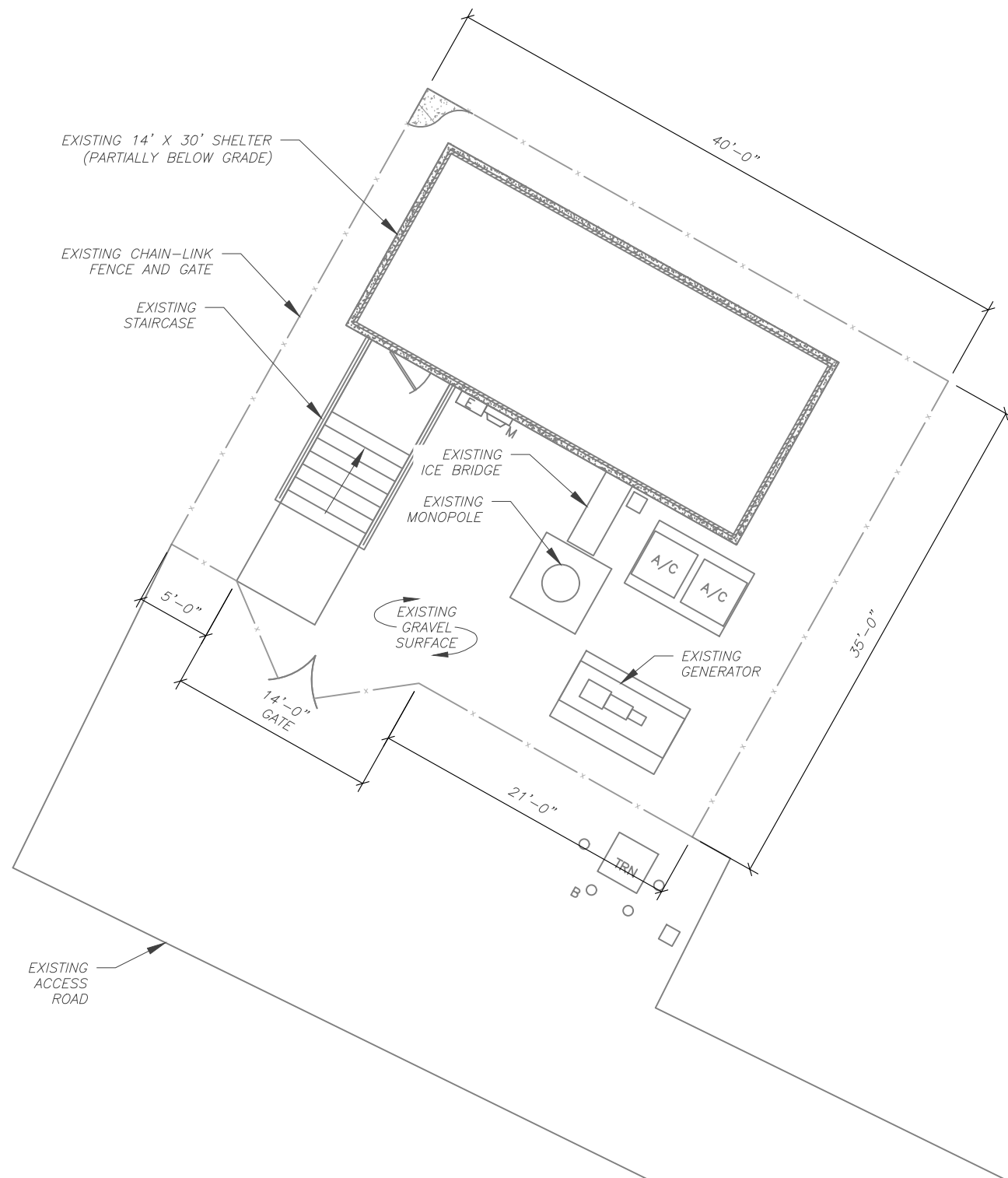
SHEET NUMBER:

**C-102**

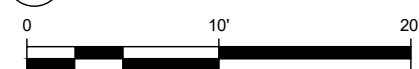
REVISION:

**A**

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**1 DETAILED SITE PLAN**



SCALE: 1"=10' (11X17)  
 1"=5' (22X34)

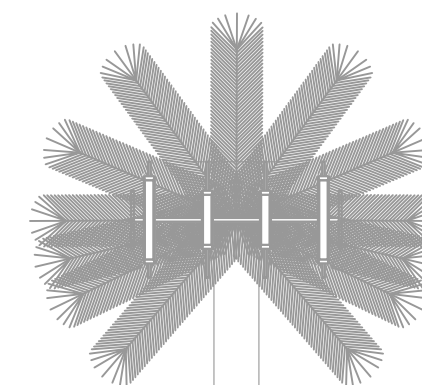


TOP OF EXISTING HIGHEST APPURTENANCE  
 ELEV. 37'

TOP OF EXISTING TOWER  
 ELEV. 30'

EXISTING CUSTOMER EQUIPMENT RAD HEIGHT  
 ELEV. 28'

GRADE LEVEL  
 ELEV. 0'



EXISTING MONOPOLE

EXISTING CHAIN-LINK FENCE AND GATE

**2 TOWER ELEVATION**

SCALE: NOT TO SCALE

# CAUTION



**Beyond this point:  
Radio frequency fields at this site  
may exceed FCC rules for human  
exposure.**

**For your safety, obey all posted signs  
and site guidelines for working in radio  
frequency environments.**

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

## NO TRESPASSING

ATC CAUTION AND NO TRESPASSING SIGN

# WARNING



**Beyond this point:  
Radio frequency fields at this site  
may exceed FCC rules for human  
exposure.**

**For your safety, obey all posted signs  
and site guidelines for working in radio  
frequency environments.**

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

ATC RF WARNING AND FCC NUMBER SIGN

### FCC TOWER REGISTRATION #

Posting of sign required by law

ATC STAND-ALONE FCC TOWER  
REGISTRATION SIGN



EXISTING SIGNAGE PHOTO

**NOTICE**

**GUIDELINES FOR WORKING IN  
RADIOFREQUENCY ENVIRONMENTS**

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

ATC RF PROGRAM NOTICE SIGN

**AMERICAN TOWER®**  
ATC TOWER SERVICES, LLC  
3500 REGENCY PARKWAY  
SUITE 100  
CARY, NC 27518  
PHONE: (919) 468-0112

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REV.	DESCRIPTION	BY	DATE
△	PRELIM	AV	01/19/21
△			
△			
△			
△			

ATC SITE NUMBER:  
**300800**

ATC SITE NAME:  
**FARIA BEACH**

SITE ADDRESS:  
4351-D FARIA RD.  
VENTURA, CA 93001

SEAL:

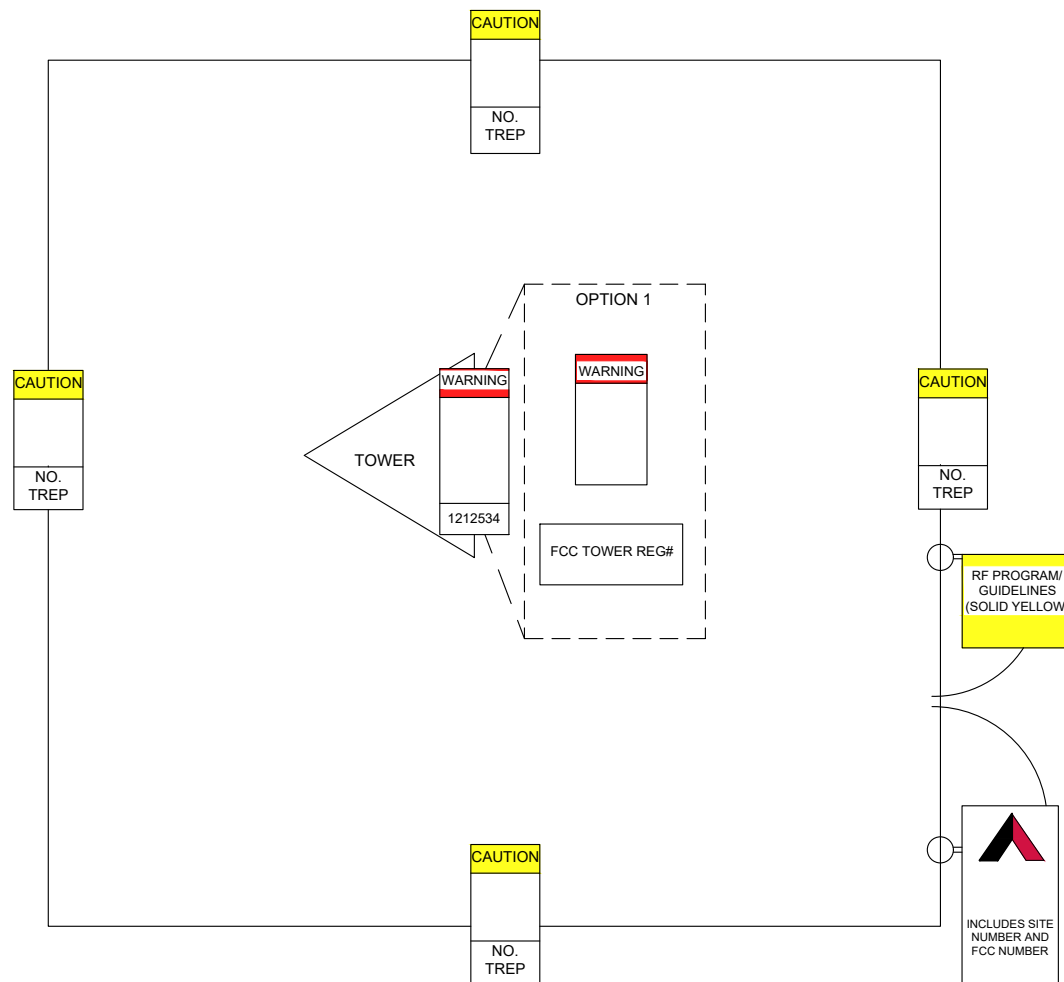
PRELIMINARY:  
NOT FOR  
CONSTRUCTION

DATE DRAWN:	01/19/21
ATC JOB NO:	13361504_E1

SIGNAGE

SHEET NUMBER: <b>C-501</b>	REVISION: <b>A</b>
-------------------------------	-----------------------

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



THERE MUST BE AN ATC SIGN WITH SITE INFORMATION AND FCC REGISTRATION NUMBER AT BOTH THE ACCESS ROAD GATE (GATE OFF OF MAIN ROAD, IF APPLICABLE) AND COMPOUND FENCE (IF NO COMPOUND FENCE, THEN IN A CONSPICUOUS PLACE UPON DRIVE UP). IN ADDITION, PLEASE LOOK AT DIAGRAM FOR ALL ADDITIONAL SIGNS REQUIRED.

OPTION 1 MAY BE USED TO POST TOWER REGISTRATION NUMBERS AT THE BASE OF THE TOWER IF A WARNING SIGN DOES NOT HAVE SPACE FOR THE TOWER REGISTRATION NUMBER.

IMPORTANT: FOR ANY ATC SIGN THAT DOES NOT MEET THE ATC SPECIFICATION FOR SIGNAGE (I.E., SHARPIE/PAINT PEN, WORN LABELS, ETC.), BRING IT INTO COMPLIANCE (RE-WRITE IF WORN) AND FLAG FOR REPLACEMENT ASAP WITH THE APPROPRIATE PERMANENT SIGN (YOU CAN ORDER THESE THROUGH THE WAREHOUSE).

ONLY LABELS PRINTED BY A ZEBRA LABEL PRINTER WILL BE ACCEPTED.

SITE NAME : FARIA BEACH

SITE NUMBER : 300800

FCC REGISTRATION # : NOT REQUIRED

---

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

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

NO TRESPASSING

www.americantower.com

POSTING OF THIS SIGNAGE REQUIRED BY LAW

ATC SITE SIGN

**REPLACEMENT OF SIGNAGE:**

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

**NOTE:**

EXTERIOR SIGNS ARE NOT PROPOSED EXCEPT AS REQUIRED BY THE FCC. ALL EXISTING SIGNAGE AND ANY FUTURE SIGNAGE WILL BE COMPLIANT WITH STATUTE 164-43.4 NO HIGH-VOLTAGE SIGNAGE IS NECESSARY. NO HIGH-VOLTAGE EQUIPMENT PRESENT.



# Exhibit 4 – Coastal Area Plan Consistency Analysis

County of Ventura • Resource Management Agency • Planning Division

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

## Exhibit 4

### CONSISTENCY WITH THE COASTAL AREA PLAN

The Ventura County CZO (Section 8181-3.5.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County 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 would involve the continued use of an existing WCF. No new development would occur that could have an impact on any environmentally sensitive habitat areas. The proposed project would be compatible with the surrounding development.

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

#### 2. Coastal Area Plan Visual Resources Policy 4.1.7-1: *Wireless communication facilities shall be sited and designed to minimize alteration of natural landforms 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 would continue to be sited and designed to minimize the alteration of natural landforms and blend into the surrounding area. The WCF would not be prominently visible from public viewpoints. The project would be consistent with the community character, the natural environment and existing development.

County of Ventura  
Planning Director Hearing  
Case No. PL21-0036  
Exhibit 4 - Coastal Area Plan  
Consistency

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

- 3. 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 existing WCF would continue to be located on APN 060-0-380-270. The location of the WCF would remain setback from the nearest roadway and would continue to be disguised as a faux palm tree. The facility would blend in with the surrounding area and would not be prominently visible from any adjacent public viewpoint.

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

- 4. 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.*

The existing WCF would continue to be located on APN 060-0-380-270. There would be no agricultural designated lands proposed for removal from the implementation of the project. The location of the WCF would not interfere with the existing uses on site. There are no proposed modifications to the WCF.

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

- 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 landforms, 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 would involve 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 forms, and to be visually compatible with the character of surrounding areas.

Project implementation would not impact scenic or visual qualities of ocean areas. Therefore, the proposed project would not degrade visual resources.

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

## EXHIBIT 5

### DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT (CUP) PERMIT, CASE NO. PL21-0036 FOR “FARIA BEACH” WIRELESS COMMUNICATION FACILITY (WCF)

#### RESOURCE MANAGEMENT AGENCY (RMA)

#### Planning Division Conditions

##### 1. Project Description

This Conditional Use Permit is based on and limited to compliance with the project description stated in this condition below, all exhibits of the Planning Director hearing on March 3, 2022, 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:

New CUP for expired communications facility (CUP 4888), which expired prior to the submittal of this application. No new structures or equipment are proposed with this project, just a request for a 10-year continuation of the WCF.

The WCF consists of a 30-foot high monopalm with fronds extending 35 feet high with:

1. Ten (10) panel antennas mounted in two arrays of five (5) antennas each;
2. One (1) 4-foot diameter microwave dish mounted at the 10-foot height of the monopalm; and
3. A 416-square foot equipment building including condenser and transformer.

The facility is located within a 1,420-square-foot (40' x 35'6”) lease area, which is surrounded by a 6-foot chain-link fence topped with barbed wire. The project also includes the use of an emergency generator located within the existing fenced area. There are no proposed modifications to the existing facility.

The WCF would be unmanned and automated, except for occasional periodic maintenance visits that would occur once per month. The WCF would operate annually, 24 hours per day. The site is accessed via private rockered driveway from Pine Grove Road.

Water service is not required to operate or maintain the proposed project, and no exterior lighting or grading is proposed.

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

## 2. 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 § 8183-5 of the Ventura County Coastal Zoning Ordinance.

## 3. 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.

#### 4. Construction Activities

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

#### 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 Coastal Zoning Ordinance (Article 13), 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:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for Use Inauguration within one year the Ventura County Coastal Zoning Ordinance (§ 8181-7.7) 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.

- (3) 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 March 3, 2032. The lack of additional notification of the expiration date provided by the County to the Permittee shall not constitute grounds to continue the uses that are authorized by this CUP after the CUP expiration date. The uses authorized by this CUP may continue after the CUP expiration date if:
- (1) The Permittee has filed a permit modification application pursuant to § 8181-10.4 of the Ventura County Coastal Zoning Ordinance prior to March 3, 2032; 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 § 8181-5.7 of the Ventura County 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 vendors who regularly conduct activities associated with the Project, of the pertinent conditions of this CUP.

**Documentation:** The Permittee shall maintain a current set of CUP conditions and exhibits at the project site or, in the case of projects where this is impractical (e.g., telecommunication sites), use "present to the Planning Division staff copies of the conditions, upon Planning Division staff's request.

**Timing:** Prior to issuance of a Zoning Clearance for use inauguration and 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 § 8183-5 of the Ventura County 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 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 Coastal Zoning Ordinance (§ 8183-5) 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. **Establishment of Revolving Compliance Account:**

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit the following deposit and reimbursement agreement to the Planning Director:

(1) A payment of \$500.00 for deposit into a revolving condition compliance and enforcement account to be used by the Planning Division to cover costs associated with condition compliance review, monitoring, and enforcement activities described in 10.a (above), and any duly-imposed civil administrative penalties regarding this. The Permittee shall replenish such account to the above-stated amount within 10 calendar days after receiving notice of the requirement to do so from the Resource Management Agency.

(2) An executed reimbursement agreement, 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.

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 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.

The Permittee shall obtain a business tax certificate and regulatory licenses for the operation of the WCF.

#### 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, 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 § 8183-5 of the Ventura County 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 § 8183-5 of the Ventura County Coastal Zoning Ordinance.

### **Environmental Health Division (EHD) Conditions**

#### 17. Hazardous Materials Management

**Purpose:** To comply with the California Code of Regulations Title 22, Division 4.5, California Health and Safety Code chapter 6.95; and Ventura County Ordinance Code, and to ensure the safe storage, handling, and disposal of any potentially hazardous material and/or waste.

**Requirement:** The Permittee shall submit a Hazardous Materials Business Plan (HMBP) to the Environmental Health Division/ Certified Unified Program Agency (Ventura CUPA) for storage of hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid). If hazardous waste are generated, an EPA D number



issued by the California Department of Toxic Substances Control must be obtained in active status. Wastes identified as “non-hazardous” may require waste determination analysis to confirm if wastes are listed hazardous wastes, exhibits a hazardous characteristic through testing, or application of general knowledge.

**Documentation:** A completed HMBP must be submitted to the Ventura CUPA electronically through the California Environmental Reporting System (CERS). Maintain all records of hazardous waste determination testing and disposal and make available for review by this Ventura CUPA staff upon request.

**Timing:** HMBP must be submitted through CERS annually, and whenever there is a change to the type, quantity, or location of the hazardous materials. EPA ID number must be renewed annually.

**Monitoring and Reporting:** Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura CUPA staff. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency website: <https://vcrma.org/cupa>

## **PUBLIC WORKS AGENCY (PWA)**

### **Development and Inspection Services Conditions**

18. Prior to issuance of a Zoning Clearance for use inauguration, 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 thirty (30) calendar days of the billing date.

## **OTHER VENTURA COUNTY AGENCIES**

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

19. Access Road/ Driveway Maintenance

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

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

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

**Timing:** The Permittee shall provide evidence of provisions for maintenance must be submitted to the Fire Prevention Bureau prior to [occupancy].

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

## 20. Access Road Gates

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

**Requirement:** The Permittee shall design and install all gates along required fire access roads/driveways consistent with Fire Protection District Standards.

**Documentation:** A stamped copy of the approved gate plans.

**Timing:** The Permittee shall submit gate plans to the Fire Prevention Bureau for approval before the installation of any access gates. The submittal shall include a copy of zoning clearance issued by the Planning Department.

**Monitoring and Reporting:** A copy of the approved gate plan shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that access gates 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 gates for the life of the development. (VCFPD-30)

## 21. Address Numbers (Commercial, Industrial, Multi-Family Buildings)

**Purpose:** To ensure proper premise identification to expedite emergency response.

**Requirement:** The Permittee shall install a minimum of 10-inch address numbers that are a contrasting color to the background and readily visible at night. Brass or gold-plated numbers shall not be used. Where structures are setback more than 150 feet from the street, larger numbers will be required so that they are distinguishable from the street. In the event the structure(s) is not visible from the street, the address number(s) shall be posted adjacent to the driveway entrance on an elevated post. Individual unit numbers shall be a minimum of 4 inches in height and shall be posted at the front and rear entrance

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**Date of Approval:**

**Permittee: American Tower**

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to each unit. Additional address directional signs may be required at common building entrances and stairways.

**Documentation:** A stamped copy of an approved addressing plan or a signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction".

**Timing:** The Permittee shall install address numbers before final occupancy.

**Monitoring and Reporting:** A copy of the approved addressing plan and/or signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction" shall be kept on file with the Fire Prevention Bureau. The Fire Prevention Bureau shall conduct a final inspection to ensure that all structures are addressed according to the approved plans/form. (VCFPD-41b)

## 22. Hazard Abatement

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

**Requirement:** The Permittee shall have all grass or brush adjacent to structure's footprint cleared for a distance of 10 feet or to the property line if less than 10 feet. 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. (VCFPD-47)

## 23. 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.

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**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. (VCFPD-53)

#### 24. Fire Department Clearance

**Purpose:** To provide the Permittee a list of all applicable fire department requirements for their project.

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

**Documentation:** A signed copy of the Ventura County Fire Protection District's Form #126 "Requirements for Construction."

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

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