



Planning Director Staff Report Hearing on January 6, 2022

County of Ventura • Resource Management Agency

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

“JUNKYARD DOGS” WIRELESS COMMUNICATION FACILITY (WCF) CONDITIONAL USE PERMIT (CUP), CASE NO. PL21-0013

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a reinstated Conditional Use Permit (CUP) for the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period. The applicant’s Site Name is “Junkyard Dogs” and the applicants Site Number is US-CA-1045 (Case No. PL21-0013).
2. **Applicant:** Phoenix Tower International, Attn: Kyle Hargrave, 999 Yamato Road, Suite 100, Boca Raton, Florida, 33431
3. **Property Owner:** 4164 Raytheon LLC, Attn: David Espinoza, 1754 Burnley Street, Camarillo, California, 93010
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 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 1-acre project site is located at 4164 Raytheon Road, near the intersection of Raytheon Road and Hueneme Road, near the city of Oxnard, in the unincorporated area of Ventura County. The Tax Assessor’s parcel number for the parcel that constitutes the project site is 218-0-093-100 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Agricultural
 - b. Zoning Designation: AE-40 ac (Agricultural Exclusive, 40-acre minimum lot area)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac	Agricultural, row crops
East	AE-40 ac	Undeveloped vacant land
South	AE-40 ac	CA State Route 1, followed by Naval Base Ventura County (NBVC) Point Mugu
West	AE-40 ac	CA State Route 1, followed by agricultural row crops

9. History: On November 21, 1996, the Planning Director granted CUP 4936 authorizing construction, operation and maintenance of an unmanned WCF for a 20-year period consisting of a 100-foot-high monopole, with six (6) panel antennas, two (2) equipment cabinets and a palletized 20-foot antenna with cabinets to be used as temporary during construction within a 170 square-foot lease area. This CUP subsequently expired without renewal on November 25, 2016.

On December 19, 2014, the Planning Manager approved a Permit Adjustment to CUP 4936 (Case No. PL14-0167) authorizing the installation of three (3) eight-foot-high panel antennas mounted at 96 feet above ground level on the existing 100-foot-high monopole and the installation of three radio remote radio units mounted with the existing lease area.

10. Project Description: The applicant requests that reinstated CUP be granted for a 10-year period to authorize the continued use, operation and maintenance of an existing non-stealth WCF. No changes to the WCF are proposed with this project.

The existing WCF consists of a 100-foot-high monopole with six (6), six-foot high panel antennas attached to the monopole at a centerline height of 97 feet, six inches, three (3) eight-foot-high panel antennas located at a centerline height of 96 feet, and one microwave dish located at a centerline height of approximately 88 feet above ground level. The 170 square foot lease area surrounding the WCF would continue to house above ground equipment cabinets and ancillary equipment and be surrounded by a six-foot-high chain link fence.

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 would continue to be available from a private driveway off Raytheon Road, a public, paved road. Water service is not required to operate or maintain the Project. No exterior lighting, grading fencing, or emergency back-up generator is requested with the Project. (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 requests the continued use, operation and maintenance of an existing WCF for an additional 10-year period, staff has determined that the Project qualifies for a Class 1 (Section 15301) categorical exemption. Further, the Project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2. Therefore, no further environmental review is required.

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* (page 1-1) states:

All area plans, specific plans, subdivisions, 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*.

- 1. LU-6.1 Agricultural Buffers:** *The County shall require non-agricultural land uses adjacent to agricultural uses to incorporate adequate buffers (e.g., fences, setbacks) to limit conflicts with adjoining agricultural operations.*

The project involves a reinstatement of an existing but expired CUP authorizing the continued use, operation and maintenance of an WCF. No changes are proposed with the project. An adequate buffer between the WCF and agricultural operations exists, as well as an existing chain link fence surrounding the entirety of the WCF.

Based on the discussion above, the proposed project is consistent with General Plan Policy LU-6.1.

- 2. LU-8.2 Land Uses Appropriate for the Agricultural Land Use Designation:** *The County shall ensure that land designated as Agricultural is used for the production of food, fiber, and ornamentals; animal husbandry and care; uses accessory to agriculture; and limited temporary or public uses which are consistent with agricultural or agriculturally related uses.*

No agricultural designated lands would be removed upon implementation of the project. Additionally, the existing uses on the project site have been determined to be consistent and support the nearby agricultural related operations.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-8.2.

- 3. 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.*

The existing 100-foot-high monopole was originally approved in 1996. Upon implementation of the project, the existing WCF would not change in appearance. Implementation of the project would also ensure that the existing WCF would continue to provide adequate provision of wireless telecommunication services to the immediate surrounding area.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.1.

- 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.*

As currently designed, and as previously permitted (expired, CUP 4936), the WCF is considered a non-stealth WCF based upon the overall height of 100 feet. Pursuant to Section 8107-45.4(b)(2)(b) of the Ventura County NCZO, exemption to non-stealth facilities may apply and may allow the County to permit non-stealth facilities when the applicant demonstrated that minimum height cannot be achieved with one or more stealth facilities. The applicant provided ample justification to support this exemption and is provided in Exhibit 4.

Based on the above discussion, the proposed project is consistent with General Plan Policy PFS-7.1.

- 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.*

With implementation of the project, the existing WCF would continue to provide high quality access and service to users near the community of Oxnard. The continued use of the facility and ability to co-locate additional antennas ensures that the residents and businesses will maintain a high quality of service.

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

- 6. AG-1.2 Agricultural Land Use Designation:** *The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.*

The existing WCF does not require the removal of any agricultural land or operations as the siting of the WCF is not proposed to change with implementation of the project. No Prime Farmland, Farmland of Statewide Importance on the State's Important Farmland Inventory, or topsoil would be affected from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy AG-1.2.

- 7. AG-2.1 Discretionary Development Adjacent to Agriculturally Designated Lands:** *The County shall ensure that discretionary development adjacent to Agriculturally designated lands does not conflict with agricultural use of those lands.*

The existing WCF does not conflict with the adjacent agricultural designated lands or agricultural uses of those lands. No new conflicts with agricultural uses would occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy AG-2.1.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the Ventura County NCZO (Section 8105-4), the proposed use is allowed in the AE 40-ac 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 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, no antenna would extend more than 5 feet above the structure.</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, the accessory equipment would continue to be located behind existing chain link fencing.</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. Additionally, a condition of approval would require the applicant to paint the antennas and other equipment to match the gray color of the monopole (Condition of Approval No. 17, Exhibit 5).</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 always be operated and maintained to comply 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</i> 	<p>Yes, the facility would continue to be enclosed within an existing chain link fence surrounding the entire facility, preventing access and vandalism to the Project site. No new fencing would be proposed as part of this Project.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.</i></p>	
<p>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, the existing WCF is not illuminated, and no lighting would be proposed with this Project.</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 existing WCF is surrounded by a chain-link fence with signage indicating all necessary information related to the on-going operation and maintenance 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, the WCF is accessed by an existing public road, maintained by the County of Ventura.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a 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 (above) 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 existing WCF that is the subject of this CUP application has been in operation since 1996. With the implementation of the proposed Project, the general appearance of the WCF would not change and therefore, the compatibility with the character of the surrounding land uses in the area also would not change.

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 in Sections C, D and E.2 (above), the proposed Project would include continued operation and maintenance of an existing WCF. No adverse effects on neighboring properties or ongoing uses have been identified that would result from implementation of the proposed Project. Additionally, conditions of approval (Exhibit 5) would be imposed with the Project to 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 would not create any adverse effects on the environment or the use of adjacent properties. 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.

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 existing WCF is located amongst agricultural farmland and the location of the WCF is not proposed to change. Additionally, conditions of approval (Exhibit 5) would be imposed with the Project to ensure the WCF remains compatible with existing and ongoing uses nearby. No new development is proposed on any of the surrounding parcels.

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

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

The subject property is comprised of one lot that gained its current configuration by the means of Parcel Map No. 2822, Parcel "B" as recorded in the Ventura County Recorder's Office. Thus, the proposed development will occur on 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.

The Project was reviewed by multiple County of Ventura agencies. Pursuant to the CEQA guidelines and through careful analysis, the Project was determined to qualify for a categorical exemption (Class 1, Section 15301).

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

8. The establishment or maintenance of this use will not significantly reduce, restrict or adversely affect agricultural resources or the viability of agricultural operations in the area [Section 8111-1.2.1.2.a].

As discussed in Sections C and D (above), no ground disturbance is proposed, and therefore, there would be no impacts to agricultural land or production by the implementation of the Project.

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

9. The structures will be sited to minimize conflicts with agriculture, and other uses will not significantly reduce, restrict or adversely affect agricultural activities on-site or in the area, where applicable [Section 8111-1.2.1.2.b].

The WCF is existing and has been in operation since 1996. The Project does not request to change the siting of the WCF and therefore, no conflicts with agricultural operations would occur.

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

10. The use will be sited to remove as little land from agricultural production (or potential agricultural production) as possible [Section 8111-1.2.1.2.c].

As discussed in Section E.9 (above), the WCF is existing with no change in siting and therefore, no agricultural land would be removed by the implementation of the Project.

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 December 22, 2021, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On December 27, 2021, the Planning Division placed a legal ad in the *Ventura County Star*.

The project site is located within the City of Oxnard's Area of Interest. Therefore, on August 27, 2021, the Planning Division notified the City of Oxnard of the proposed project and requested the City of Oxnard to submit any comments that the City might have on the proposed project. To date, the City of Oxnard has not provided any comment.

Additionally, the project site is located within NBVC Point Mugu Airport's Sphere of Influence. Therefore, on August 27, 2021, the Planning Division notified NBVC Point Mugu of the proposed project and requested NBVC Point Mugu to submit any comments that they might have on the proposed project. On September 8, 2021, Mr. Kendall Lousen, Community Planning Liaison Officer (kendall.p.lousen.civ@us.navy.mil) responded via email determining that "the proposed project would not interfere with military readiness, mission training, and testing operations conducted at NBVC Point Mugu."

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 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** CUP Case No. PL21-0013, subject to the conditions of approval (Exhibit 5); and,

5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

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

Prepared by:



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

Reviewed by:



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

EXHIBITS

- Exhibit 2 Maps
- Exhibit 3 Project plans
- Exhibit 4 Non-Stealth Justification
- Exhibit 5 Conditions of Approval



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 10-12-2021

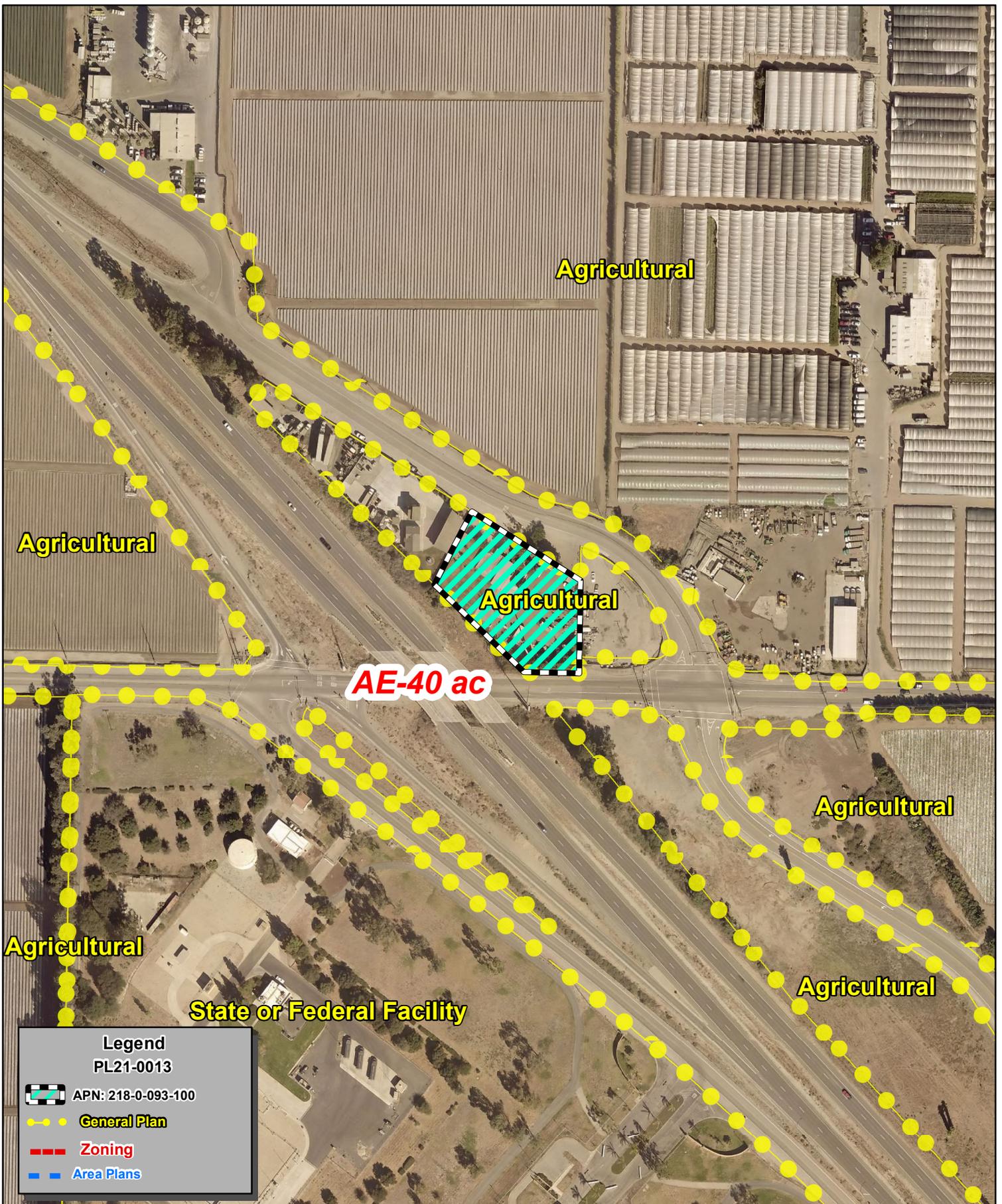


County of Ventura
Planning Director Hearing
Case No. PL21-0013
Exhibit 2 - Maps



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 involve a risk of economic loss or physical injury should be made in reliance thereon.

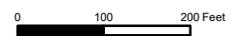




Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 10-12-2021
 This aerial imagery is under the
 copyrights of Pictometry
 Source: Pictometry, 2019



**County of Ventura
 Planning Director Hearing
 PL21-0013
 General Plan & Zoning Map**



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 no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.





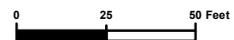
218-0-093-10



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 10-12-2021
This aerial imagery is under the
copyrights of VEXEL DEC. 2020



County of Ventura
Planning Director Hearing
PL21-0013
Aerial Photography



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 no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



CUP RENEWAL



PHOENIX TOWER INTERNATIONAL

SITE NUMBER: US-CA-1045 **CITY: OXNARD**
SITE NAME: TMT LA362 JUNKYARD DOGS **COUNTY: VENTURA**
SITE TYPE: MONOPOLE **JURISDICTION: COUNTY OF VENTURA**



PROJECT INFORMATION:
 (CUP RENEWAL)
US-CA-1045
TMT LA362 JUNKYARD DOGS
 SV00362A
 4164 RAYTHEON ROAD, OXNARD, CA 93033
 VENTURA COUNTY

CURRENT ISSUE DATE:
 08/26/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	10/27/20	90% ZD	PAD
B	11/10/20	REVISED 90% ZD	PAD
C	08/26/21	100% ZD	PAD

PLANS PREPARED BY:

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

CONSULTANT:

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

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

LICENSURE:

SHEET TITLE:
TITLE SHEET

SHEET NUMBER: **T-1** REVISION: **C**
 US-CA-1045
 SV00362A

PROJECT SUMMARY

SITE ADDRESS:
 4164 RAYTHEON ROAD,
 OXNARD, CA 93033

PROPERTY OWNER CONTACT:
 4164 RAYTHEON, LLC, A CALIFORNIA LLC
 1754 BURNLEY STREET,
 CAMARILLO, CA 93010

APPLICANT:
 PTI US TOWER II, LLC
 999 YAMATO ROAD, SUITE 100
 BOCA RATON, FL
 CONTACT: KYLE HARGRAVE
 PHONE: (818) 486-8248
 EMAIL: KHARGRAVE@PHOENIXINTNL.COM

CONSULTING TEAM

SAC/ZONING/PERMITTING:
 SYNERGY A DIVISION OF
 ADVANTAGE ENGINEERS, LLC
 2500 RED HILL AVE. SUITE 240
 SANTA ANA, CA 92705
 CONTACT: LYNDA McCLUNG
 PHONE: (714) 328-3385
 EMAIL: LMCCLUNG@SYNERGY.CC

ARCHITECTURAL/ENGINEERING:
 SYNERGY A DIVISION OF
 ADVANTAGE ENGINEERS, LLC.
 7543 WOODLEY AVENUE
 VAN NUYS, CA 91406
 CONTACT: NABIL SHAHBANDER, P.E.
 PHONE: (949) 278-9787
 EMAIL: BILL@SCOTTSDALENG.COM

STRUCTURAL ENGINEERING:
 SYNERGY A DIVISION OF
 ADVANTAGE ENGINEERS, LLC.
 7543 WOODLEY AVENUE
 VAN NUYS, CA 91406
 CONTACT: NABIL SHAHBANDER, P.E.
 PHONE: (949) 278-9787
 EMAIL: BILL@SCOTTSDALEND.COM

LATITUDE / LONGITUDE

LAT: 34° 08' 49.503" N LAT: 34.1470841000
 LONG: 119° 06' 39.967" W LONG: -119.1111020000

UTILITY PURVEYOR

POWER: _____ TELCO: _____
 COMPANY: - COMPANY: CHARTER FIBERLINK

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:	_____	_____	_____

DRAWING INDEX

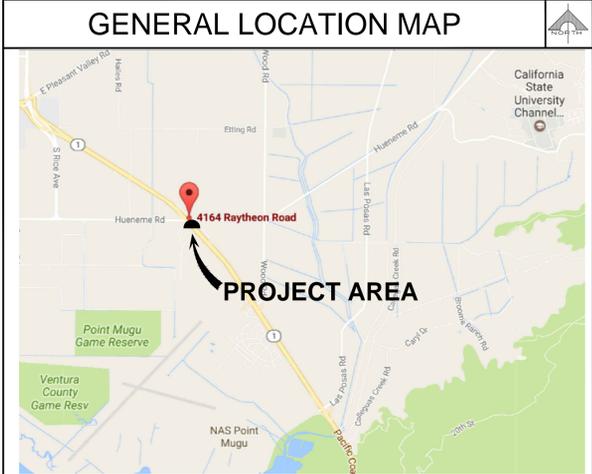
SHEET	DESCRIPTION
T-1	TITLE SHEET
A-1	OVERALL SITE PLAN
A-2	ANTENNA LAYOUT PLAN
A-3	EQUIPMENT LAYOUT PLAN
A-4	ELEVATIONS
A-5	ELEVATION

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)

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 G
- LOCAL BUILDING CODES
- CITY / COUNTY ORDINANCES
- CALIFORNIA FIRE CODE 2019 EDITION
- ASCE 7-16
- ACI 318-14
- STEEL CONSTRUCTION MANUAL 14TH EDITION



DRIVING DIRECTION

County of Ventura
 Planning Director Hearing
 Case No. PL21-0013
 Exhibit 3 - Project Plans

BUILDING SUMMARY

OCCUPANCY CLASSIFICATION: S-2 (UNMANNED TELECOMMUNICATION FACILITY)
 ZONE CLASSIFICATION : AGRICULTURE EXCLUSIVE
 CONSTRUCTION TYPE: II-B
 APN: 218-093-10-0

PROJECT DESCRIPTION

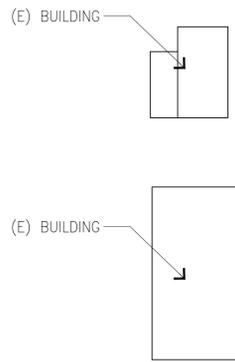
THE PROJECT ENTAILS:
 EXISTING PTI CUP RENEWAL FOR THE CONTINUED USE AND OPERATION OF AN EXISTING WIRELESS TELECOMMUNICATIONS FACILITY:

T-MOBILE EXISTING EQUIPMENT:
 EXISTING (9) ANTENNAS
 EXISTING (3) RADIOS
 EXISTING (18) TMAS
 EXISTING (2) EQUIPMENT CABINETS

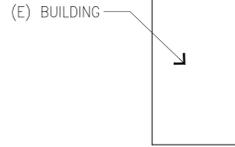
LEGAL DESCRIPTION

LOT 7 OF PARCEL MAP NO. 22206 IN THE CITY OF SANTA CLARITA, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS RECORDED IN THE BOOK 240 PAGE 62-87, RECORDS OF SAID COUNTY.

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



(E) BUILDING



(E) BUILDING

(E) PROPERTY LINE

RAYTHEON ROAD

(E) OPEN FIELD

(E) PROPERTY LINE

(E) BUILDING

(E) PROPERTY LINE

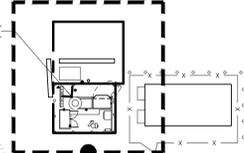
(E) PARKING

SECTOR 'A'
0'

PACIFIC COAST HIGHWAY

PACIFIC COAST HIGHWAY

(E) MONOPOLE



(E) PROPERTY LINE

E HUENEME ROAD

(E) T-MOBILE TELECOMMUNICATION FACILITY,
 (E) MONOPOLE, (E) EQUIPMENT AREA AT
 GRADE LEVEL.

1,2 / 1,2
 A-2 / A-3

SECTOR 'C'
240'

SECTOR 'B'
120'



OVERALL SITE PLAN

SCALE: 1"=20'-0"
 0' 5' 10' 20' 40'



PROJECT INFORMATION:
 (CUP RENEWAL)
 US-CA-1045
 TMT LA362 JUNKYARD DOGS
 SV00362A
 4164 RAYTHEON ROAD, OXNARD, CA 93033
 VENTURA COUNTY

CURRENT ISSUE DATE:
 08/26/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	10/27/20	90% ZD	PAD
B	11/10/20	REVISED 90% ZD	PAD
C	08/26/21	100% ZD	PAD

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: PAD CHK.: PAD APV.: JN

LICENSURE:

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER: **A-1** REVISION: **C**
 US-CA-1045
 SV00362A

PROJECT INFORMATION:
 (CUP RENEWAL)
US-CA-1045
TMT LA362 JUNKYARD DOGS
 SV00362A
 4164 RAYTHEON ROAD, OXNARD, CA 93033
 VENTURA COUNTY

CURRENT ISSUE DATE:
 08/26/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	10/27/20	90% ZD	PAD
B	11/10/20	REVISED 90% ZD	PAD
C	08/26/21	100% ZD	PAD

PLANS PREPARED BY:

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

CONSULTANT:

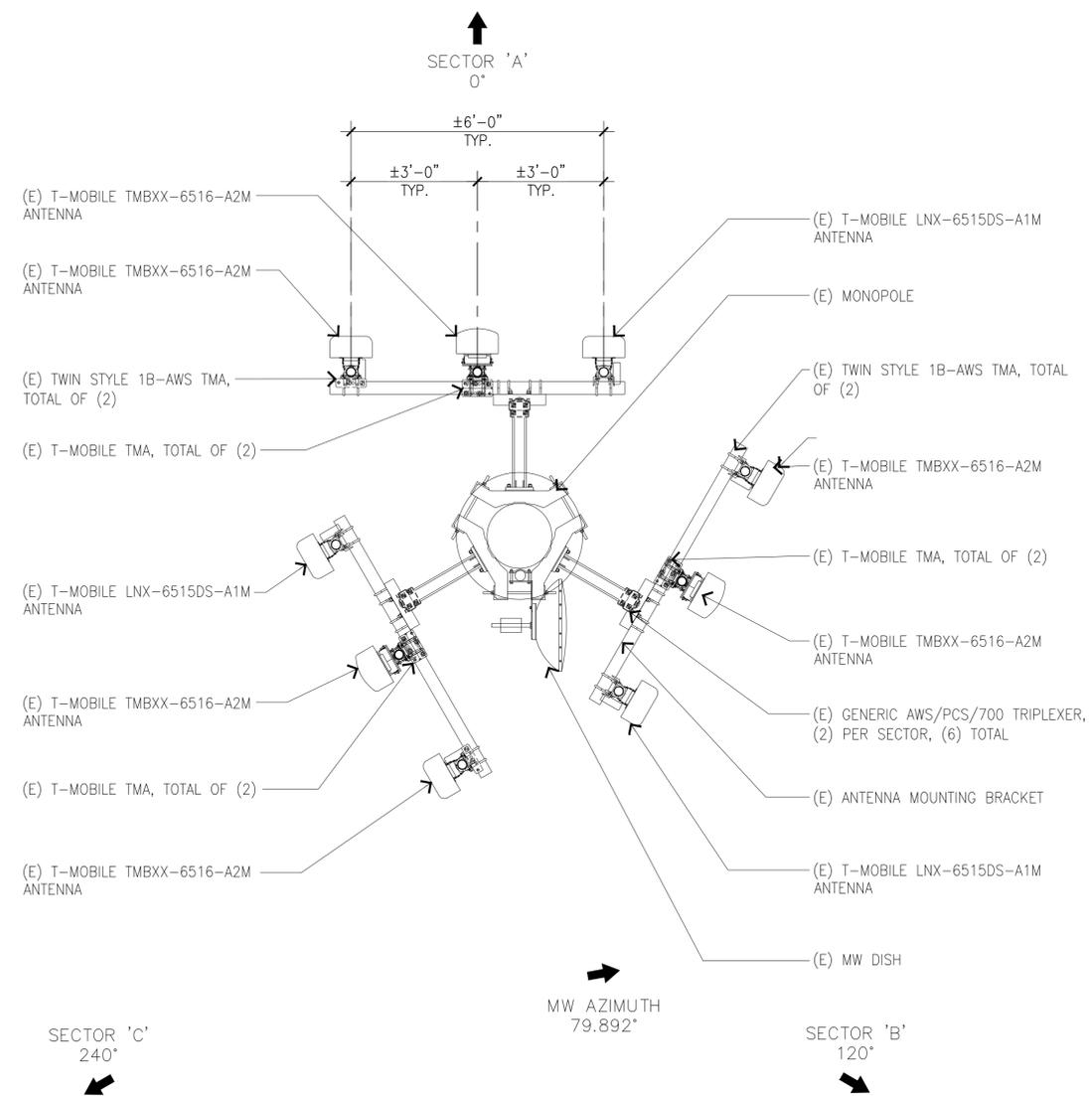
 a division of 
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

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

LICENSURE:

SHEET TITLE:
ANTENNA LAYOUT PLAN

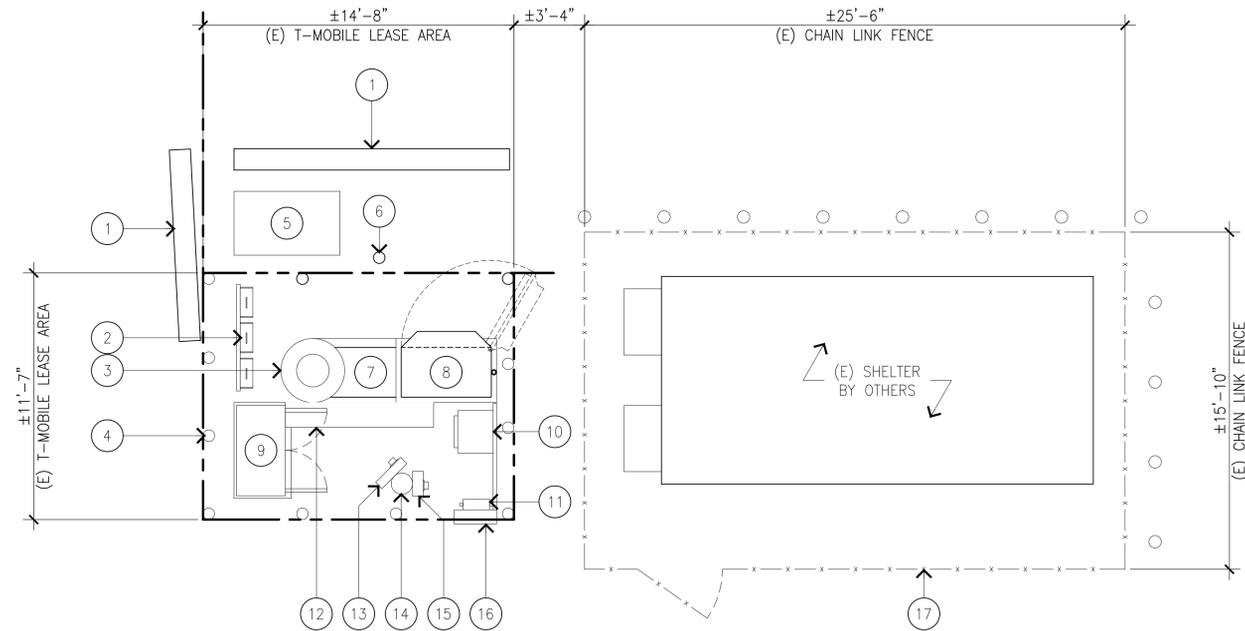
SHEET NUMBER: **A-2** REVISION: **C**
 US-CA-1045
 SV00362A



KEYNOTES:

- 1 (E) PREFAB CONCRETE CURB
- 2 (E) T-MOBILE RRUS11-B12, (3) TOTAL ON (E) H-FRAME
- 3 (E) CONCRETE MONOPOLE
- 4 (E) 6-1/2"Ø BOLLARDS
- 5 (E) CONCRETE SLAB
- 6 (E) 6-1/2"Ø BOLLARDS, (3) TOTAL
- 7 (E) CABLE TRAY
- 8 (E) T-MOBILE RBS 3106 EQUIPMENT CABINET W/ GPS ANTENNA
- 9 (E) T-MOBILE RBS 6102 EQUIPMENT CABINET
- 10 (E) T-MOBILE FIBER BOX
- 11 (E) T-MOBILE TELCO BOX
- 12 (E) T-MOBILE CABLE TRAY
- 13 (E) METER PANEL
- 14 (E) UTILITY POLE BY PHOENIX TOWER INTERNATIONAL
- 15 (E) METER PANEL
- 16 (E) T-MOBILE TELCO BOX
- 17 (E) CHAIN LINK FENCE

(E) T-MOBILE
LEASE AREA
11.583'x14.666'=
170 SQ. FT



(E) EQUIPMENT LAYOUT PLAN

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

NOT USED

2



PROJECT INFORMATION:
(CUP RENEWAL)
US-CA-1045
TMT LA362 JUNKYARD DOGS
SV00362A
4164 RAYTHEON ROAD, OXNARD, CA 93033
VENTURA COUNTY

CURRENT ISSUE DATE:
08/26/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	10/27/20	90% ZD	PAD
B	11/10/20	REVISED 90% ZD	PAD
C	08/26/21	100% ZD	PAD

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: PAD CHK.: PAD APV.: JN

LICENSURE:

SHEET TITLE:
EQUIPMENT LAYOUT PLAN

SHEET NUMBER: **A-3** REVISION: **C**
US-CA-1045
SV00362A



PROJECT INFORMATION:
 (CUP RENEWAL)
US-CA-1045
TMT LA362 JUNKYARD DOGS
 SV00362A
 4164 RAYTHEON ROAD, OXNARD, CA 93033
 VENTURA COUNTY

CURRENT ISSUE DATE:
 08/26/21

ISSUED FOR:
ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	10/27/20	90% ZD	PAD
B	11/10/20	REVISED 90% ZD	PAD
C	08/26/21	100% ZD	PAD

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

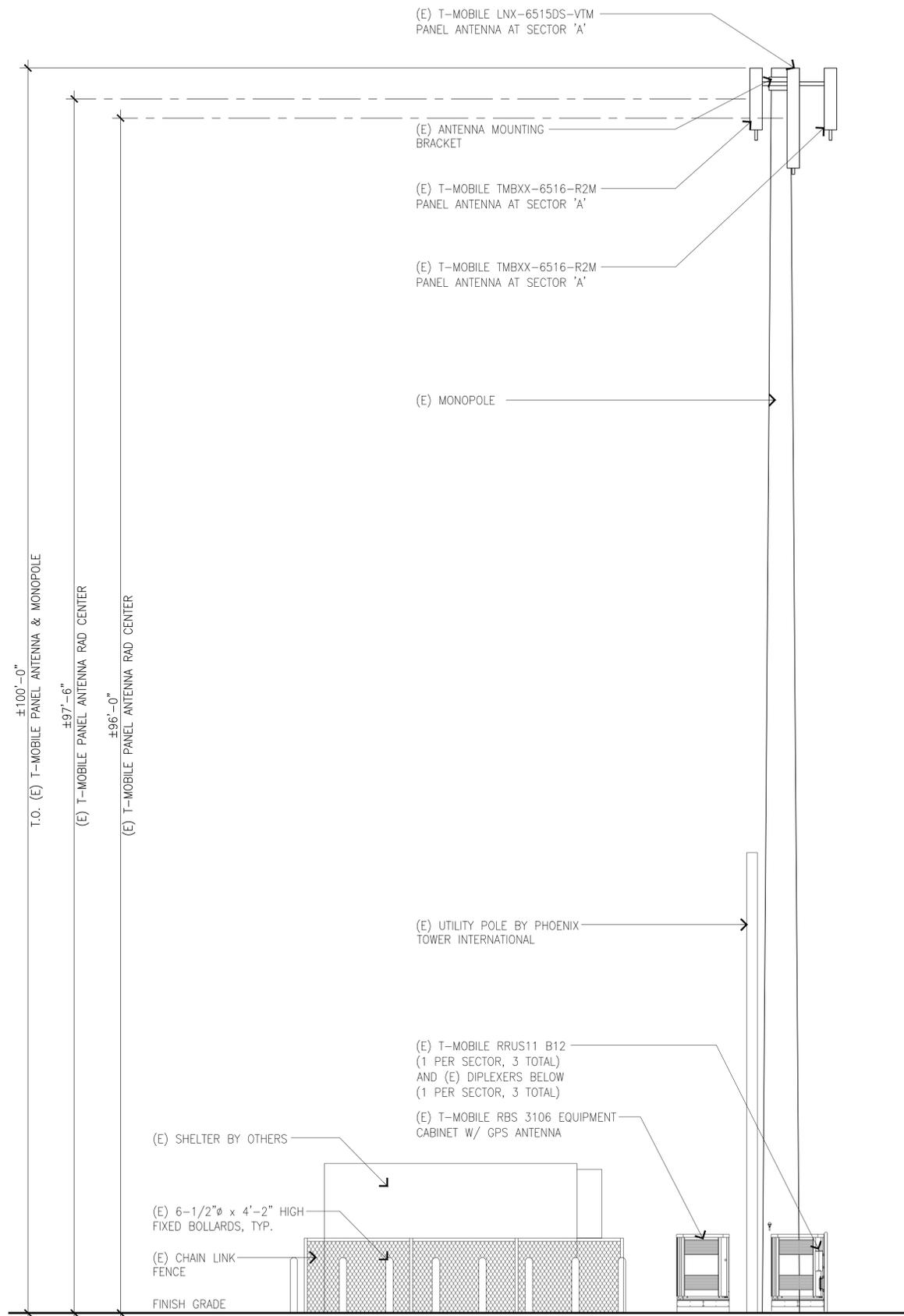
CONSULTANT:
 Synergy
 a division of advantage engineers
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

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

LICENSURE:

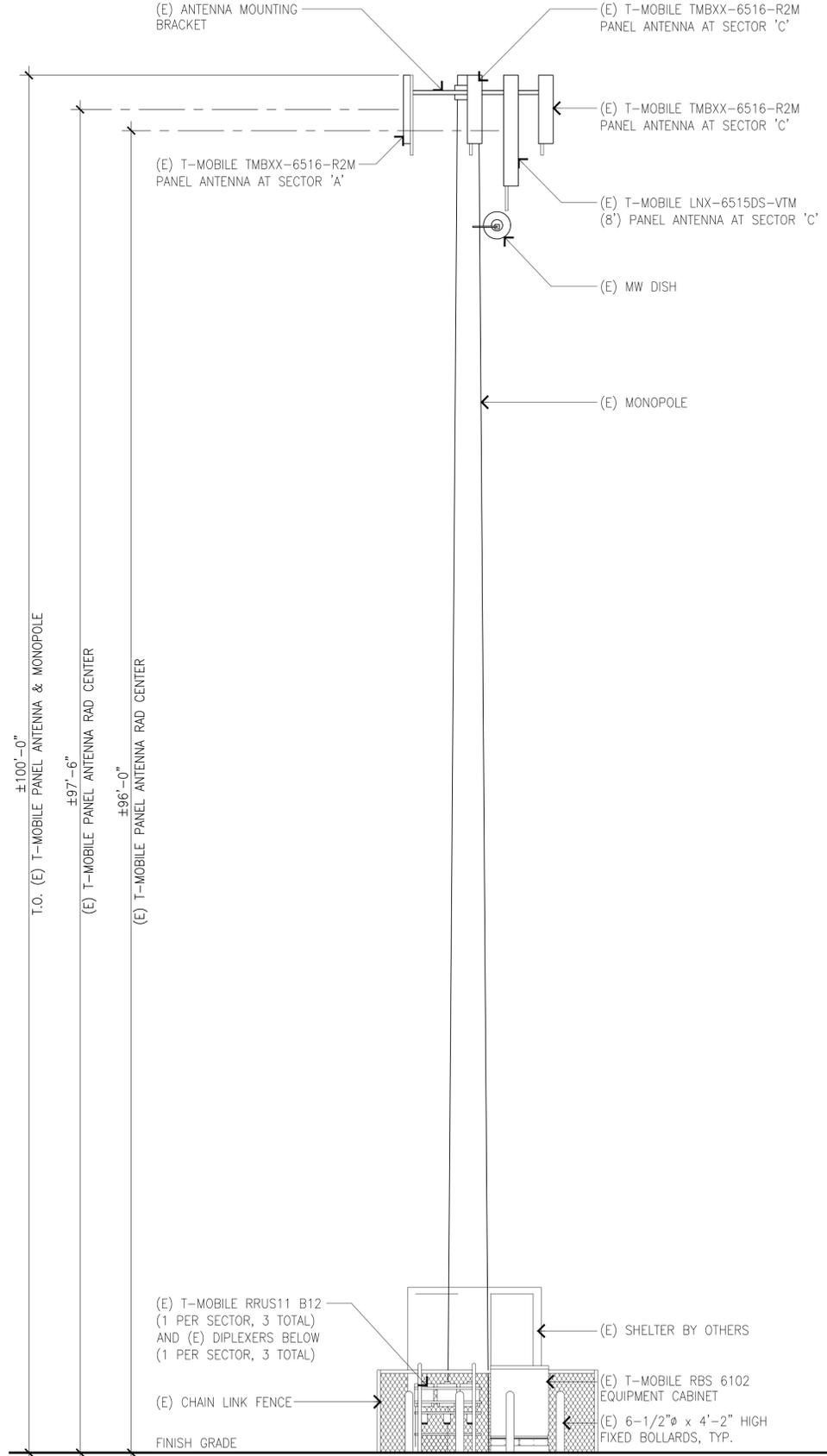
SHEET TITLE:
ELEVATIONS

SHEET NUMBER: **A-4** REVISION: **C**
 US-CA-1045
 SV00362A



(E) NORTH ELEVATION

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



(E) WEST ELEVATION

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



PROJECT INFORMATION:

(CUP RENEWAL)
 US-CA-1045
 TMT LA362 JUNKYARD DOGS
 SV00362A
 4164 RAYTHEON ROAD, OXNARD, CA 93033
 VENTURA COUNTY

CURRENT ISSUE DATE:

08/26/21

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	10/27/20	90% ZD	PAD
B	11/10/20	REVISED 90% ZD	PAD
C	08/26/21	100% ZD	PAD

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: CHK.: APV.:

PAD PAD JN

LICENSURE:

SHEET TITLE:

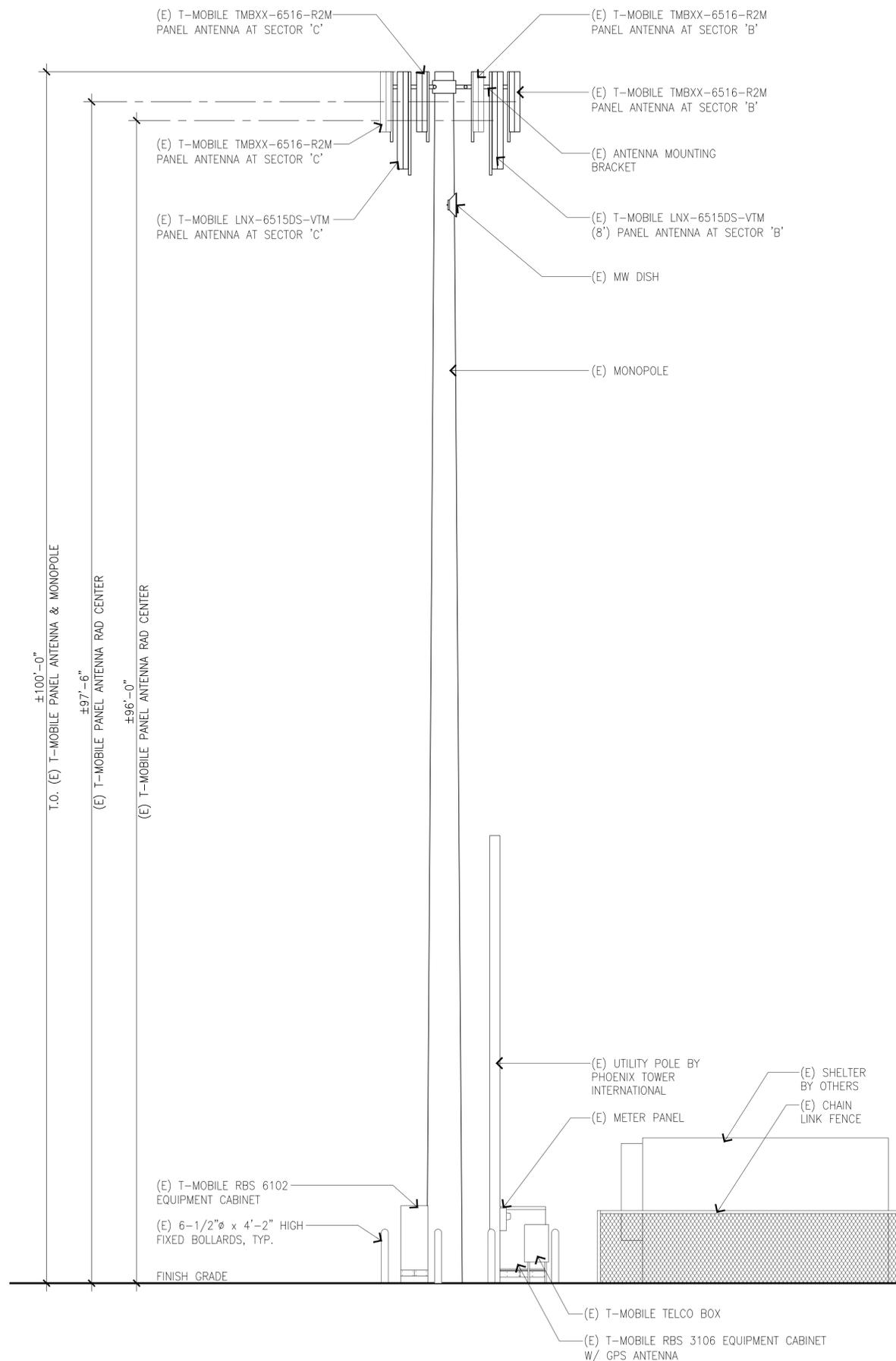
ELEVATION

SHEET NUMBER: REVISION:

A-5

C

US-CA-1045
 SV00362A



NOT USED

2 (E) SOUTH ELEVATION

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

1

SV00362A

4164 RAYTHEON RD, OXNARD, CA 93033

**COVERAGE PREDICTIONS
CUP RENEWAL**

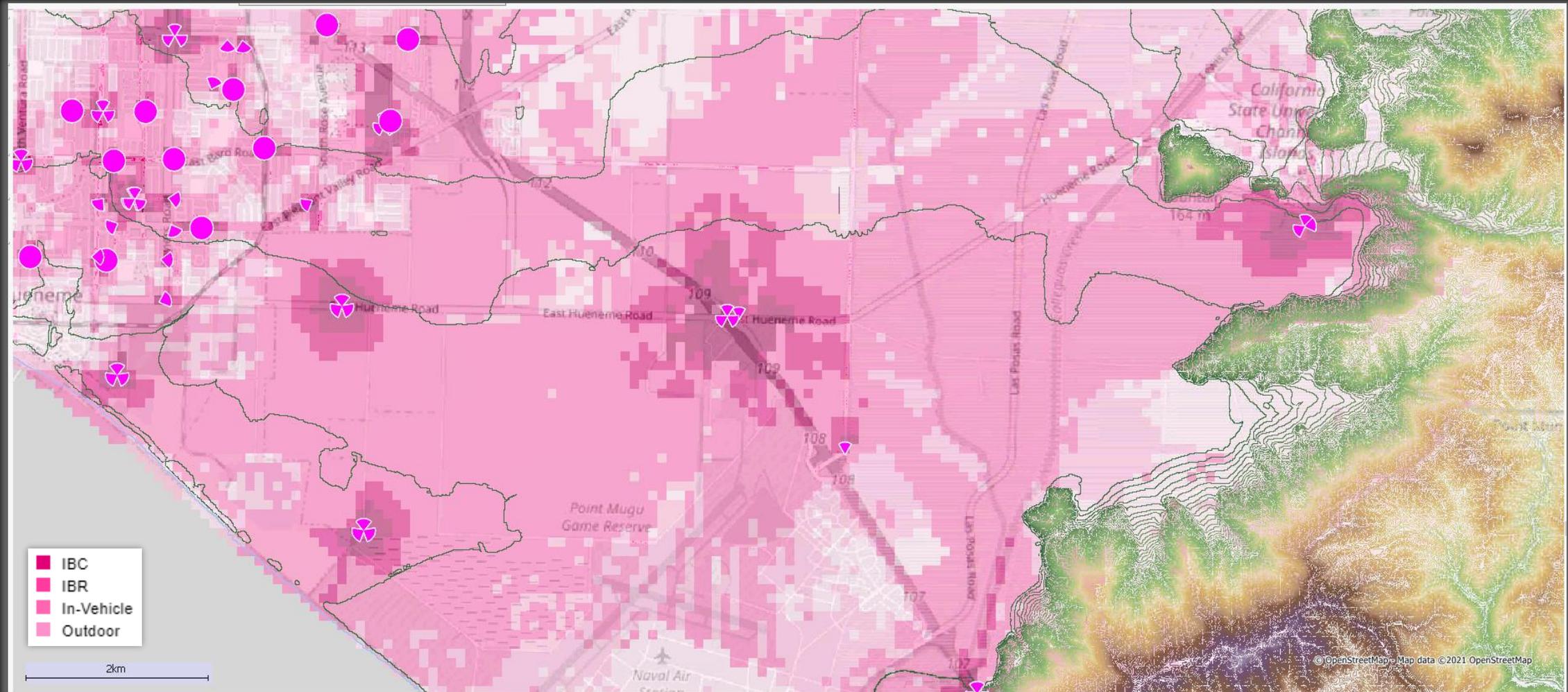
County of Ventura
Planning Director Hearing
Case No. PL21-0013
Exhibit 4 - Non-Stealth Justification

MAGENTA BUILT. NETWORK INSPIRED.

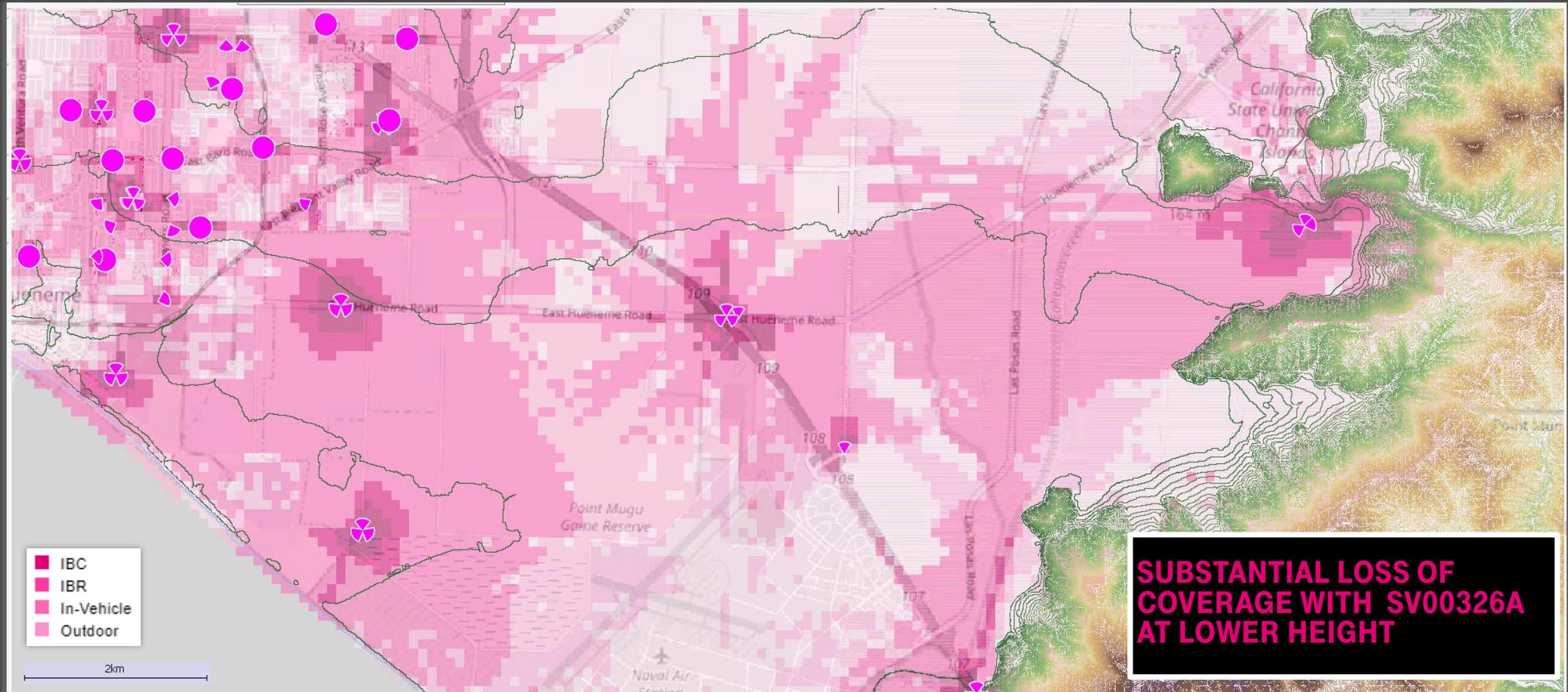
SUMMARY

- ❑ Next slides present Coverage Predictions for SV00362A and surrounding area
- ❑ Different scenarios are presented, according to each slide title
- ❑ Substantial Loss of Coverage observed by lowering SV00362A height to 80ft
- ❑ Coverage Loss is not compensated by nearby 4 sites at 80ft

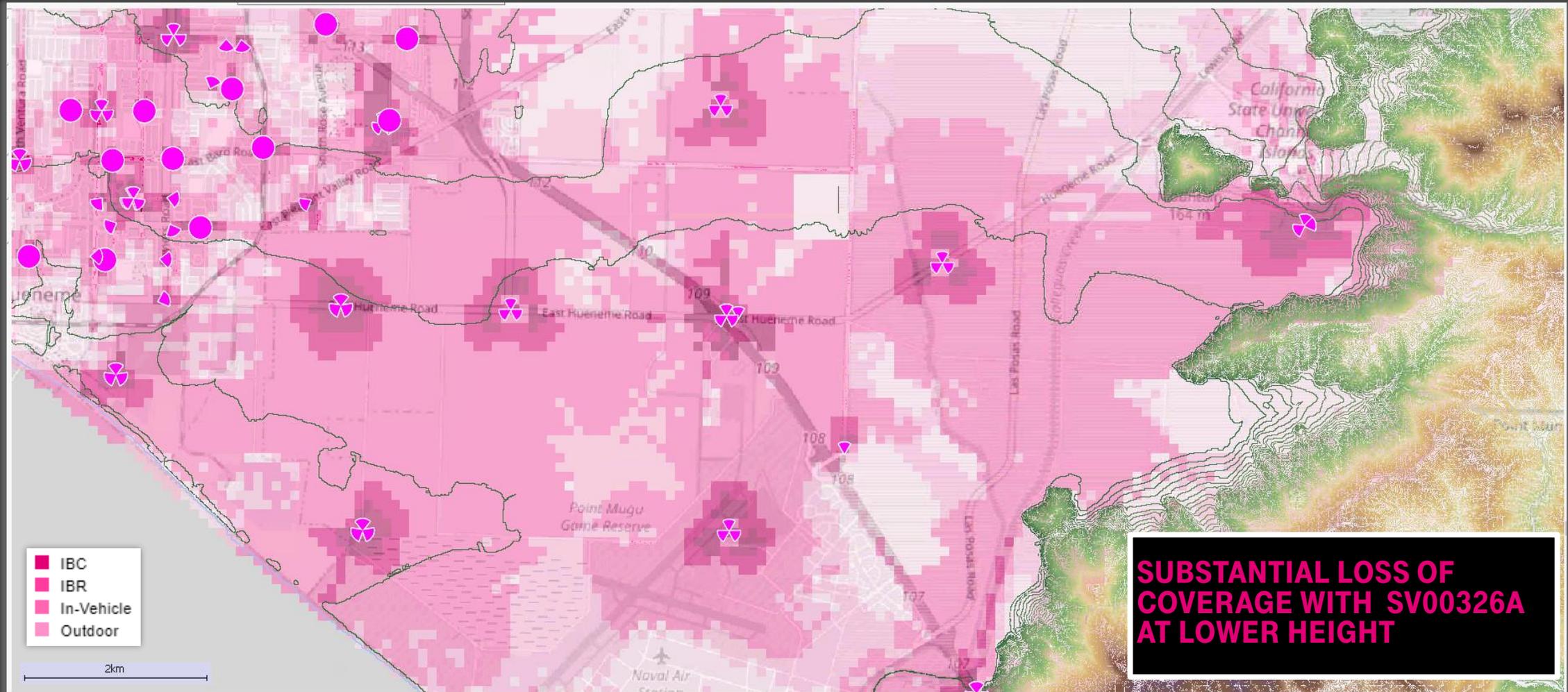
EXISTING LTE COVERAGE OF AREA



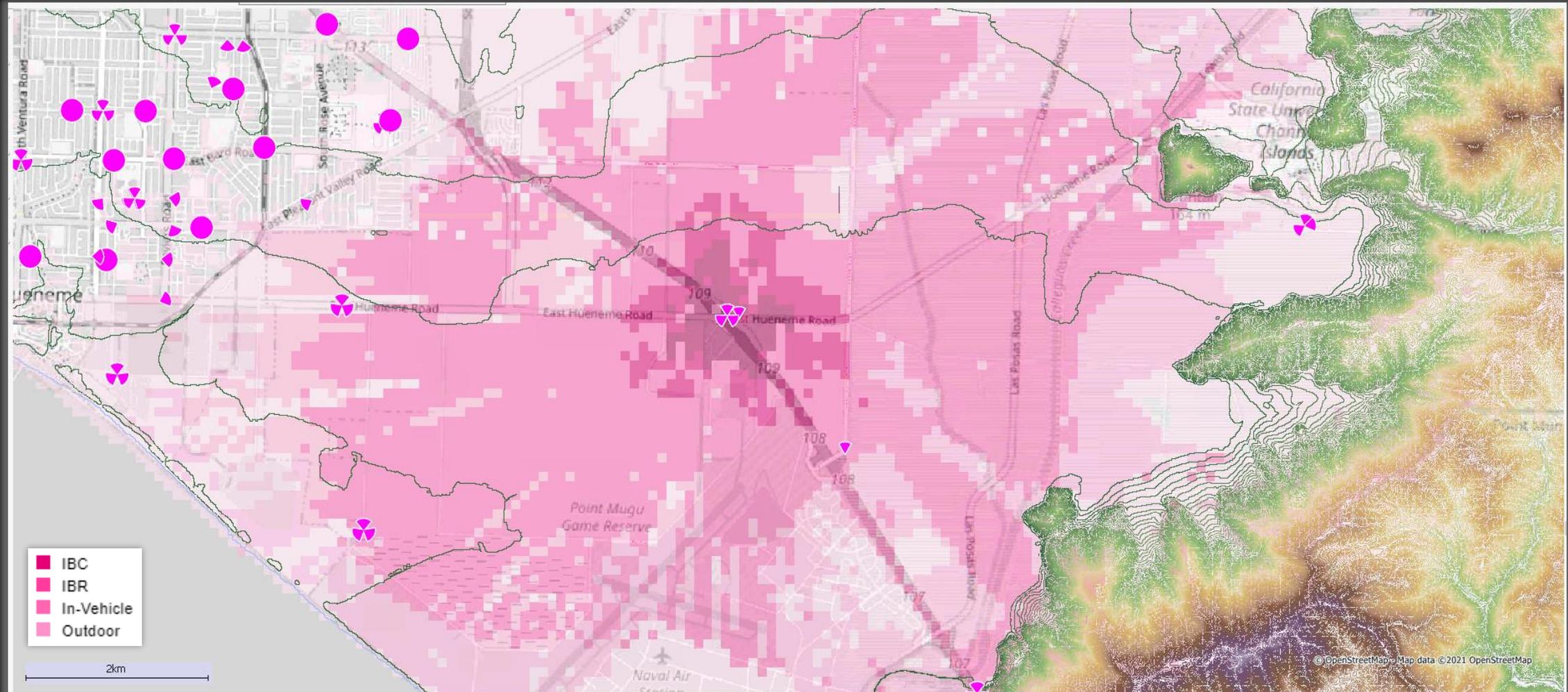
PREDICTED LTE COVERAGE OF AREA WITH SITE SV00362A AT 80'



PREDICTED LTE COVERAGE OF AREA WITH SITE SV00362A AT 80' AND 4 ADDITIONAL SITES AT 80'



EXISTING LTE COVERAGE OF ONLY SITE SV00362A AT 100'



PREDICTED LTE COVERAGE OF AREA WITHOUT SITE SV00362A

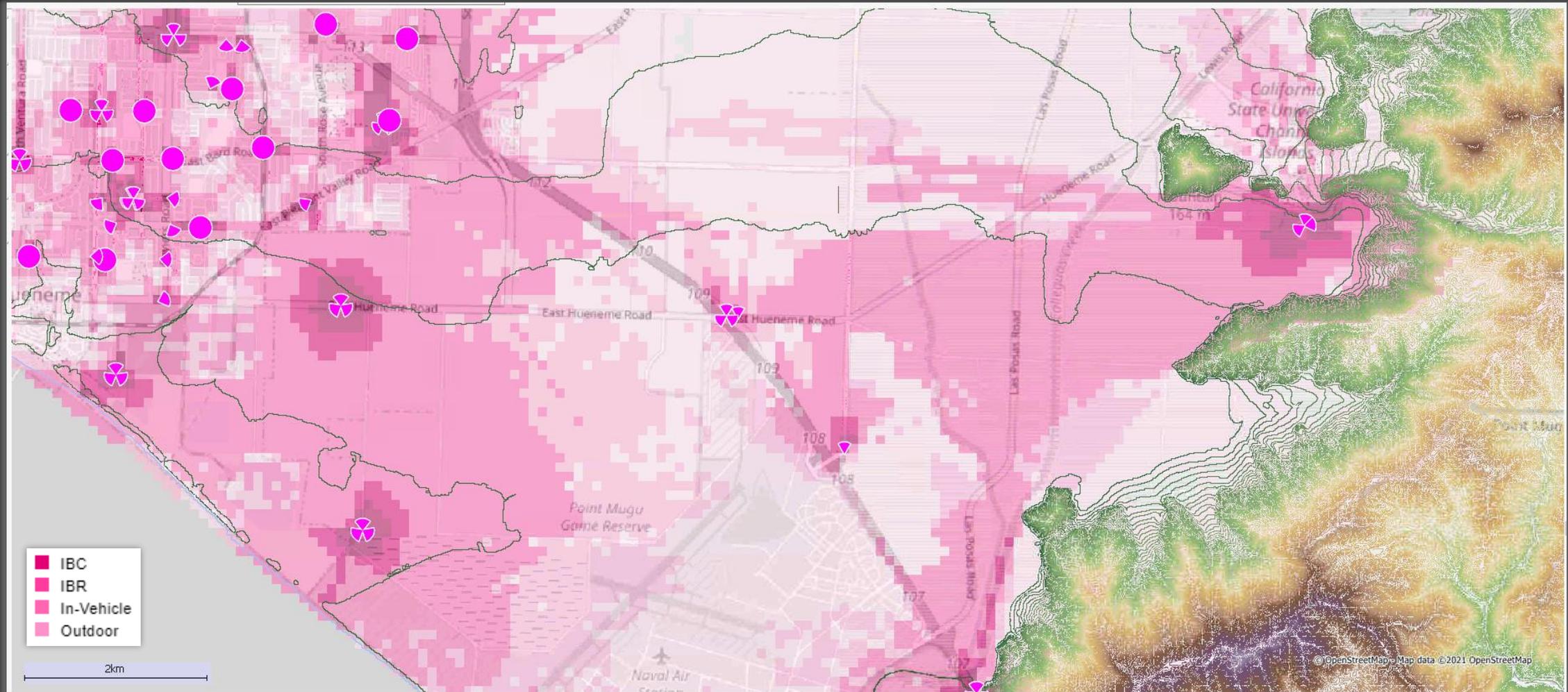


EXHIBIT 5

DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT PL21-0013 FOR “JUNKYARD DOGS” 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 5 of the Planning Director hearing on January 6, 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:

A reinstated CUP has been granted to authorize the continued use, operation and maintenance of an existing non-stealth WCF for a 10-year period. No changes to the WCF are authorized with this project.

The existing WCF consists of a 100-foot-high monopole with six (6), six-foot high panel antennas attached to the monopole at a centerline height of 97 feet, six inches, three (3) eight-foot-high panel antennas located at a centerline height of 96 feet, and one microwave dish located at a centerline height of approximately 88 feet above ground level. The 170 square foot lease area surrounding the WCF may continue to house above ground equipment cabinets and ancillary equipment and shall continue to be surrounded by a six-foot-high chain link fence.

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 continue to be available from a private driveway off Raytheon Road, a public, paved road. Water service is not required to operate or maintain the Project. No exterior lighting, grading fencing, or emergency back-up generator is authorized with the Project.

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.

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 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 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 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. **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.
- 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 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, 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

Purpose: In order to ensure that buildings and structures comply with the development standards of the Ventura County Non-Coastal Zoning Ordinance and blend in with the Project site's surroundings.

Requirement: The Permittee shall utilize building materials and colors compatible with surrounding sky (gray 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. mounted to the monopole.

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 were 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., sky 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.

Documentation: The Permittee shall provide plans and photo simulations 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 and photo simulations.

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 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 and photo simulations 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 and photo simulations. The Planning Division maintains the Permittee's approved plans and photo simulations, 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. 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.

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.