



Planning Director Staff Report Hearing on May 25, 2023

County of Ventura • Resource Management Agency

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

T-MOBILE, SANTA SUSANA PASS, CONDITIONAL USE PERMIT (CUP), CASE NO. PL23-0010

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Conditional Use Permit (CUP) PL23-0010 for the continued use of an existing stealth mono-pine wireless communication facility (WCF) originally approved under LU11-0060.
2. **Applicant:** John Beke, T-Mobile, 3257 E. Guasti Rd, Suite 200, Ontario, CA 91761
3. **Property Owner:** Mark Khader, 3130 Island Dr, Evergreen, CO 80439
4. **Applicant's Representative:** Lynda McClung, Network Connex, 655 N. Central Ave. Suite 1520, Glendale, CA 91203
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 20.02-acre property is located at 7535 Santa Susana Pass Road, near the intersection of Santa Susana Pass Road and Box Canyon Road, near the city of Simi Valley, in the unincorporated area of Ventura County. The Tax Assessor's parcel number for the parcel that constitutes the project site is 648-0-260-020 (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: OS-160 ac/HCWC/CWPA (Open Space 160-acre minimum lot size/ Habitat Connectivity and Wildlife Corridor/ Critical Wildlife Passage Area Overlay Zones)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	City of Simi Valley	Railroad Tracks/ Corriganville Park/ US 101
East	OS-160 ac/HCWC/CWPA (Open Space 160-acre minimum lot size/ Habitat Connectivity and Wildlife Corridor/ Critical Wildlife Passage Area Overlay Zones)	Undeveloped Open Space
South	OS-10 ac/HCWC/CWPA (Open Space 10-acre minimum lot size/ Habitat Connectivity and Wildlife Corridor/ Critical Wildlife Passage Area Overlay Zones)	Undeveloped Open Space and residential
West	OS-160 ac/HCWC/CWPA	Undeveloped Open Space

9. History: On November 11, 1996, CUP 4955 was granted by the Planning Director to authorize the construction of a WCF on the subject site.

On August 31, 2010, a Notice of Violation (NOV) was issued for illegal additions to the existing facility, and on November 21, 2011, a new CUP (LU11-0060) was granted to construct a new stealth mono-pine WCF to replace the WCF in violation. LU11-0060 had an expiration date of December 15, 2021, and has since expired.

10. Project Description: The applicant requests a CUP for the continued use, of an existing T-Mobile WCF for an additional 10-year period. The existing WCF is designed as a stealth 27-foot-tall mono-pine tree. The WCF is also comprised of the following components:

- Six (6) panel antennas;
- Four (4) Radio Units;
- Three (3) Equipment Cabinets;
- One (1) Emergency Generator; and
- One (1) Propane Tank.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a private gated road from Santa Susana Pass Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this 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. The proposed project would include the continued use of an existing WCF with no modification to the existing tower, ground equipment, or surrounding area. Therefore, the proposed project qualifies for Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines. Further, the project will not trigger any of the exceptions to the exemptions listed under CEQA Guidelines Section 15300.2, and therefore, no further environmental review is required.

C. CONSISTENCY WITH THE GENERAL PLAN

The proposed project has been analyzed to and determined to be consistent with all applicable General Plan policies. A consistency analysis which evaluates the project’s consistency with the policies of the General 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 NCZO.

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

The continued operation of an existing WCF is subject to the special use standards of the Ventura County NCZO. Table 1 lists the applicable special use standard and a description of whether the proposed project complies with the special use standards.

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8107-45.4 (a) Partial and Full-Concealment Requirements:</p> <p>To minimize visual impacts, a wireless communication facility shall be designed as a stealth facility or building concealed facility. A wireless communication facility may be designed as a non-stealth facility only if it meets standards provided in Sec. 8107-45.4(b) below.</p>	<p>Yes, the facility is designed as a stealth mono-pine tree.</p>

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
Section 8107-45.4 (b) Exceptions to Stealth and Building-Concealed Facilities:	N/A, the facility is a stealth mono-pine tree.
<p>Section 8107-45.4 (c), Making Wireless Communication Facilities Compatible with the Existing Setting:</p> <p>To the extent feasible, all wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</p> <ul style="list-style-type: none"> (1) Location: Facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility; and (2) Facility Design: The facility 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. 	Yes, the existing stealth mono-pine is designed to resemble a natural tree and blend into the environment.
Section 8107-45.4 (d) Preferred Wireless Communication Facility Locations:	N/A, the facility is existing, and designed as a stealth mono-pine tree.
Section 8107-45.4 (e) Non-Preferred Wireless Communication Facility Locations:	N/A, the facility is existing, and designed as a stealth mono-pine tree.
<p>Section 8107-45.4 (f)(4)(b)(i) Height, Stealth Facilities, No Nearby Trees:</p> <p>(b) Faux trees shall maintain a natural appearance and may not exceed the height of nearby natural trees (see i, ii, and iii below). A faux tree located among existing natural trees should not be obviously taller than the other trees. Smaller, natural trees may also be planted around the faux tree to mask its height from public viewpoints. The maximum allowable height of a faux tree shall be as follows:</p> <ul style="list-style-type: none"> i. No Nearby Trees: Maximum heights in Table 2 [of Section 8107-45.4(f)(4)] apply if there are no trees within a 150-foot radius of the faux tree. (Also see the tree planting height requirement in Sec. 8107-45(i)(4).) <p>[Section 8107-45.4(f)(4) Table 2 identifies the maximum height for a mono-pine tree to be 80 feet]</p>	Yes, the existing stealth mono-pine tree is 27 feet from grade to the top of the faux foliage, and complies with the height requirement.
Section 8107-45.4 (g) Setbacks:	N/A, the facility is existing and there are no proposed changes to the mono-pine or ground equipment.
Section 8107-45.4 (h) Retention of Concealment Elements:	N/A, the facility is existing and there are no proposed changes to the mono-pine or ground equipment.
<p>Section 8107-45.4 (i)(4) Standards for Specific Types of Stealth Facilities, Faux Trees:</p> <p>(a) Shall incorporate a sufficient amount of “architectural branches” (including density and vertical height) and design material so that the structure is as natural in appearance as</p>	Yes, the existing 27-foot-tall mono-pine tree is compatible with the surrounding environment and has sufficient faux foliage colored to match to screen the antennas and

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>technically feasible.</p> <p>(b) Shall be the same type of tree or a tree type that is compatible (i.e. similar in color, height, shape, etc.) with existing trees in the surrounding area (i.e. within approximately a 150 foot radius of the proposed facility location). If there are no existing trees within the surrounding area, the vicinity of the facility shall be landscaped with newly planted trees. The trees should be compatible with the faux tree design, and be of a type and size that would be expected to reach 75 percent of the faux tree's height within five (5) years. (Also see Sec. 8107-45.4(q) for additional information on landscaping.)</p> <p>(c) Shall not exceed the maximum height limits established for faux trees stated in Sec. 8107-45.4(f)(4)(b).</p> <p>(d) Shall include antennas and antenna support structures colored to match the components (i.e. branches and leaves) of the proposed artificial tree.</p> <p>(e) 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.</p>	<p>be classified as a stealth facility. As described under subsection f for height, the 27-foot facility complies with the height requirement and no new landscaping is proposed as the site is existing.</p>
<p>Section 8107-45.4 (j) Historical Landmarks/Sites of Merit:</p> <p>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 (SOI) Standards. If the facility does not meet the SOI standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</p>	<p>Yes, the existing WCF is not 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>Section 8107-45.4 (k), Environmentally Sensitive Areas:</p> <p>All wireless communication facilities and their accessory equipment shall be sited and designed to avoid or minimize impacts to habitat for special status species, sensitive plant communities, migratory birds, waters and wetlands, riparian habitat, and other environmentally sensitive areas as determined by the County's Initial Study Assessment Guidelines.</p>	<p>Yes, the WCF is existing on a graded and developed site and is not located within an environmentally sensitive area. Additionally, there are no proposed modifications to the existing facility.</p>
<p>Section 8107-45.4 (l) Ridgelines:</p> <p>(2) Facilities sited on a ridgeline or hillside shall blend with the surrounding natural and man-made environment to the maximum extent possible. Blending techniques that should be utilized include the use of non-reflective materials, paint, or enamel to blend exterior surfaces with background color(s); the placement of facilities behind earth berms or existing vegetation; siting of associated equipment below ridgelines, and the use of small stealth facilities (such as slim line poles or whip antennas) that blend in with the surrounding vegetation.</p>	<p>Yes, the existing stealth mono-pine WCF is on a hilltop but is designed to be camouflaged as a pine tree which blends with the surrounding environment.</p>

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
Section 8107-45.4 (m) Scenic Resource Protection Overlay Zone:	N/A, the facility is not located in a Scenic Resources Protection Overlay Zone.
Section 8107-45.4 (n), Accessory Equipment: 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.	Yes, all accessory equipment associated with the existing WCF are placed at ground-level and are screened by the existing topography and other existing facilities on the site to the maximum extent feasible.
Section 8107-45.4 (o), Colors and Materials: All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.	Yes, all colors and materials used for the WCF blend in with the natural surroundings. There are no reflective materials.
Section 8107-45.4 (p), Noise: 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.	Yes, the operation of the WCF does not generate excessive noise. The WCF is always operated and maintained to comply with the Ventura County noise standards.
Section 8107-45.4 (q), Landscaping and Screening: The permittee shall plant, irrigate and maintain additional landscaping during the life of the permit when landscaping is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewpoint. New landscaping shall not incorporate any invasive species or watch species, as defined by the California Invasive Plant Council (Cal-IPC) and shall be in conformance with Section 8106-8.2.5. (AM. ORD. 4577 – 3/9/21)	Yes, landscaping is not deemed necessary for a facility that is existing, not prominently visible from a public viewpoint, and is on an already developed site.
Section 8107-45.4 (r), Security: 1. Each facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism. 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 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.	Yes, the private access road to the facility is controlled by an automatic gate.
Section 8107-45.4 (s), Lighting: 1. No facility may be illuminated unless specifically required by the FAA or other government agency. 2. Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at	Yes, the existing WCF is not illuminated.

Table 2 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
adjacent properties and to minimize impacts to wildlife.	
<p>Section 8107-45.4 (t), Signage:</p> <p>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.</p>	<p>Yes, the site includes signage indicating all necessary information related to the equipment for the operation of the facility.</p>
<p>Section 8107-45.4 (u), Access Roads:</p> <ol style="list-style-type: none"> 1. Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements. 2. 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 Protection District. 	<p>Yes, site is accessed by a gated and privately owned access road off of Santa Susan Pass Road. No new roads are proposed.</p>

The proposed project is located within the Habitat Connectivity and Wildlife Corridor (HCWC) and the Critical Wildlife Passage Area Overlay (CWPA) Overlay Zones and, therefore, is subject to the standards of the Ventura County NCZO (Sections 8104-7.7 and 8104-7.8). Table 2 lists the applicable HCWC and CWPA Overlay Zone standards and a description of whether the proposed project complies with those standards.

Table 2 – HCWC and CWPA Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>Section 8104-7.7, Habitat Connectivity and Wildlife Corridors Overlay Zone:</p> <p>The general purposes of the Habitat Connectivity and Wildlife Corridors overlay zone are to preserve functional connectivity for wildlife and vegetation throughout the overlay zone by minimizing direct and indirect barriers, minimizing loss of vegetation and habitat fragmentation and minimizing impacts to those areas that are narrow, impacted or otherwise tenuous with respect to wildlife movement. More specifically, the purposes of the Habitat Connectivity and Wildlife Corridors overlay zone include the following:</p> <ol style="list-style-type: none"> a. Minimize the indirect impacts to wildlife created by outdoor lighting, such as disorientation of nocturnal species and the 	<p>Yes, the existing stealth WCF is not proposing any modifications to the facility or site and is not illuminated. The facility does not encroach or alter any surface water features, does not inhibit safe wildlife passage, would not introduce any invasive plants, and does not create barriers to food, water, shelter or breeding access.</p>

Table 2 – HCWC and CWPA Overlay Zone Standards Consistency Analysis

Overlay Zone Standard	Complies?
<p>disruption of mating, feeding, migrating, and the predator-prey balance.</p> <p>b. Preserve the functional connectivity and habitat quality of surface water features, due to the vital role they play in providing refuge and resources for wildlife.</p> <p>c. Protect and enhance wildlife crossing structures to help facilitate safe wildlife passage.</p> <p>d. Minimize the introduction of invasive plants, which can increase fire risk, reduce water availability, accelerate erosion and flooding, and diminish biodiversity within an ecosystem.</p> <p>e. Minimize wildlife impermeable fencing, which can create barriers to food and water, shelter, and breeding access to unrelated members of the same species needed to maintain genetic diversity.</p>	
<p>Section 8104-7.8, Critical Wildlife Passage Areas Overlay Zone: There are three critical wildlife passage areas that are located entirely within the boundaries of the larger Habitat Connectivity and Wildlife Corridors overlay zone. These areas are particularly critical for facilitating wildlife movement due to any of the following: (1) the existence of intact native habitat or other habitat with important beneficial values for wildlife; 2) proximity to water bodies or ridgelines; 3) proximity to critical roadway crossings; 4) likelihood of encroachment by future development which could easily disturb wildlife movement and plant dispersal; or 5) presence of non-urbanized or undeveloped lands within a geographic location that connects core habitats at a regional scale.</p>	<p>Yes, the existing stealth WCF is not proposing any modifications to the facility or site and would not remove or alter any native habitat or vegetation, would not further alter the ridgeline or alter water bodies, is sited away from critical roadway crossings, is not expanding or altering the site to disturb wildlife movement, and is already on a developed parcel.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1a 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 8111-1.2.1.1a.a].**

Based on the information and analysis presented in Section D and Exhibit 4 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 8111-1.2.1.1a.b].**

As discussed in Table 1 above in Section D, the existing WCF is a stealth facility designed as a mono-pine tree that blends with the surrounding environment. The subject site is a developed property with multiple, legally established WCFs and is consistent with the Open Space Zoning. There are no proposed modifications to the existing WCF or ground equipment.

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 8111-1.2.1.1a.c].

The existing WCF is an unmanned facility that complied with the noise requirements of the NCZO, doesn't use any water to operate, and does not impair the use of neighboring properties. The continued operation of the WCF would not create any new substantial new effects on neighboring properties, and the WCF and ground equipment are completely contained on site. Additionally, conditions of approval (Exhibit 5) ensures that a system for reporting complaints is established.

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 8111-1.2.1.1a.d].

As indicated in Section B of this staff report, no significant environmental impacts have been identified that would result from the proposed project. The project would be subject to conditions of approval (Exhibit 5, Condition Nos. 2 and 6) that will ensure that the existing uses would be compatible with the neighboring residential uses. Due to the design and distance of the WCF from public viewing areas, the proposed project would not create any new impacts to visual resources.

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 8111-1.2.1.1a.e].

The existing stealth WCF blends in with the surrounding environment. No changes are proposed; therefore, the character of the site would not change. The proposed project does not affect any surrounding land uses, and the project is not sensitive to impacts from these uses. No new effects on the surrounding uses would occur with this CUP for additional 10 years of use.

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

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

The project site is on APN 648-0-260-020, and the adjacent parcel (APN 648-0-260-010) are contiguous at a point and together comprise one legal lot that was created on or before July 20, 1949 (described as Parcel A of conveyance recorded July 20, 1949, in book 764, Page 236 of Official Records). Since the lot was created prior to regulation by the Subdivision Map Act and the Ventura County Subdivision Ordinance, the subject project is 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 [Section 8111-1.2.1.1a.g].

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

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

8. Development within any overlay zone having specific development standards must comply with such standards [Section 8111-1.2.1.4 and Article 9].

Based on the discussion in Table 2 of Section D above, the project is consistent with the applicable standards of the HCWC and CWPA Overlay Zones.

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 May 15, 2023, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On May 15, 2023, the Planning Division placed a legal ad in the *Ventura County Star*.

The project site is located within the City of Simi Valley's Area of Interest. Therefore, on April 4, 2023, the Planning Division notified the City of Simi Valley of the proposed project and requested the City of Simi Valley to submit any comments that the City might have on the proposed project. On April 6, 2023, the City of Simi Valley responded to the Planning Division that the city has no comments or concerns with the application.

G. RECOMMENDED ACTIONS

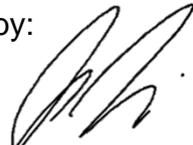
Based upon the analysis and information provided above, Planning Division Staff recommends that the Planning Director take the following actions:

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. PL23-0010, 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 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 Novi at (805) 654-2462 or John.Novi@ventura.org.

Prepared by:



John Novi, Case Planner
Commercial and Industrial Permits
Ventura County Planning Division

Reviewed by:



Mindy Fogg, Manager
Commercial and Industrial Permits
Ventura County Planning Division

EXHIBITS

- | | |
|-----------|-----------------------------------|
| Exhibit 2 | Maps |
| Exhibit 3 | Plans |
| Exhibit 4 | General Plan Consistency Analysis |
| Exhibit 5 | Conditions of Approval |



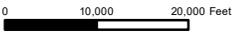
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 04-13-2023

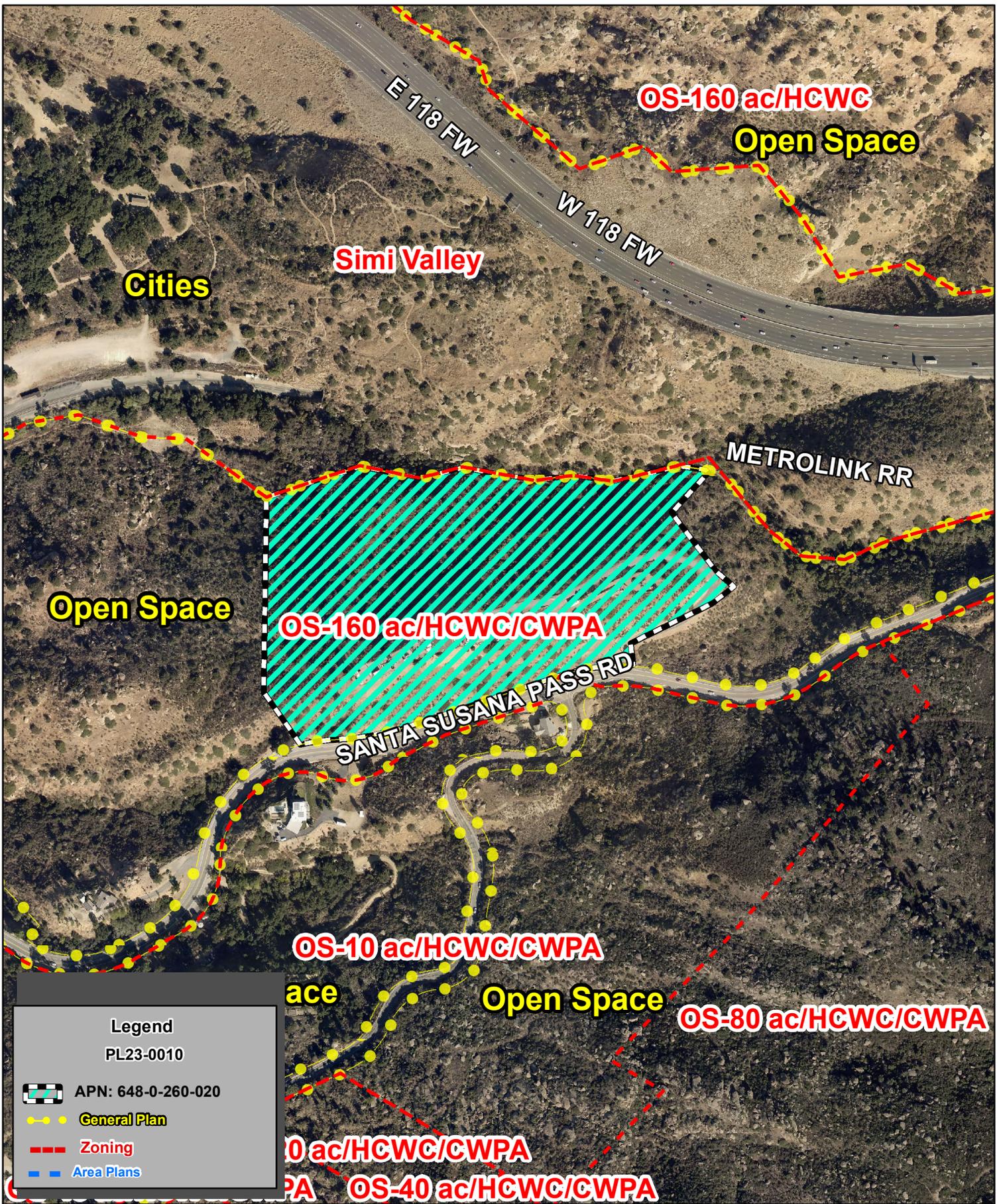


Planning Director Hearing
Case No. PL23-0010
Exhibit 2 - Maps



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





Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
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County of Ventura
Planning Director Hearing
PL23-0010
General Plan & Zoning Map



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RH



Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
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County of Ventura
Planning Director Hearing
PL23-0010
Aerial Photography



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RH

CUP RENEWAL



Planning Director Hearing
Case No. PL23-0010
Exhibit 3 - Plans

SITE NUMBER: SV12842A **CITY: SIMI VALLEY**
SITE NAME: SANTA SUSANA PASS (OLD SV00486) **COUNTY: VENTURA**
SITE TYPE: MONOPINE **JURISDICTION: VENTURA COUNTY**

T-Mobile
Stick Together[®]
4100 GUARDIAN ST., SUITE 101
SIMI VALLEY, CA 93063

PROJECT INFORMATION:
(CUP RENEWAL)
SV12842A
SANTA SUSANA PASS
7535 SANTA SUSANA PASS RD.,
SIMI VALLEY, CA 93063
VENTURA COUNTY

CURRENT ISSUE DATE:
02/09/22

ISSUED FOR:
CUP RENEWAL

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	02/09/22	CUP RENEWAL	VTA

PLANS PREPARED BY:

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

CONSULTANT:

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

DRAWN BY: CHK.: APV.:

VTA	TMH	TMH
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LICENSURE:

SHEET TITLE:

TITLE SHEET

SHEET NUMBER: REVISION:

T-1 **A**
SV12842A

PROJECT SUMMARY

SITE ADDRESS:
7353 SANTA SUSANA PASS
SIMI VALLEY, CA 93063

PROPERTY OWNER CONTACT:
KHADER MARK A TRUST
3130 ISLAND DRIVE
EVERGREEN, CO 80439
PHONE: (303) 458-1551

APPLICANT:
T-MOBILE WEST LLC
4100 GUARDIAN ST., SUITE 101
SIMI VALLEY CA 93063
REPRESENTATIVE: LYNDA McCLUNG
T-MOBILE PROJECT MANAGER: JOHN BEKE
PROJECT MANAGER: JILLIANNE NEWCOMER

CONSULTING TEAM

SAC/ZONING/PERMITTING:
SYNERGY A DIVISION OF
ADVANTAGE ENGINEERS, LLC
7543 WOODLEY AVE, SUITE #201
VAN NUYS, CA 91406
CONTACT: LYNDA McCLUNG
MOBILE: (714) 328-3385
E-MAIL: lmcclung@synergy.cc

ARCHITECTURAL/ENGINEERING:
ADVANTAGE ENGINEERS, LLC
7151 COLUMBIA GATEWAY DR., SUITE A
COLUMBIA, MD 21046
CONTACT: TRISTRAM HOKENSON, P.E.
PHONE: (443) 367-0001

STRUCTURAL ENGINEERING:
ADVANTAGE ENGINEERS, LLC
7151 COLUMBIA GATEWAY DR., SUITE A
COLUMBIA, MD 21046
CONTACT: TRISTRAM HOKENSON, P.E.
PHONE: (443) 367-0001

LATITUDE / LONGITUDE

LAT: 34° 15' 50.1" N LAT: 34.26393°
LONG: 118° 38' 43.7" W LONG: -118.64547°

UTILITY PURVEYOR

POWER: **TELCO:**
COMPANY: - COMPANY: -

DRAWING INDEX

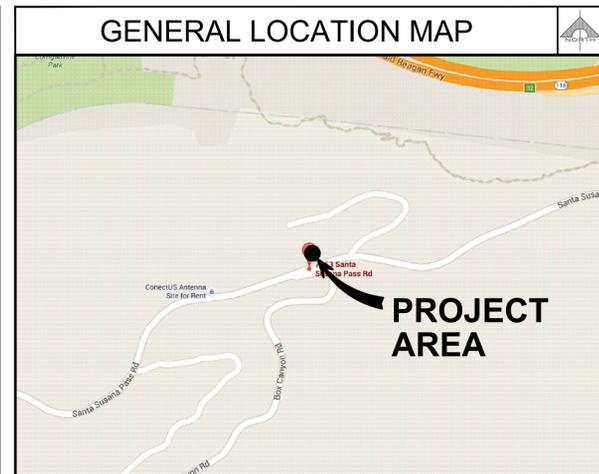
SHEET	DESCRIPTION
T-1	TITLE SHEET
A-1	OVERALL SITE PLAN
A-2	ANTENNA AND EQUIPMENT LAYOUT PLANS
A-3	ELEVATIONS I
A-4	ELEVATIONS II

ACCESSIBILITY REQUIREMENTS

THE FACILITY IS UNMANNED AND NOT FOR CONTINUOUS HUMAN HABITATION. HANDICAPPED ACCESS IS NOT REQUIRED PER CBC 2019, SECTION 1103.2.7 (LIMITED ACCESS SPACES) SECTION 1103.2.9 (EQUIPMENT 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 / TIA-222-H-2017
- LOCAL BUILDING CODES
- CITY / COUNTY ORDINANCES
- CALIFORNIA FIRE CODE 2019 EDITION
- ASCE 7-16
- ACI 318-14
- STEEL CONSTRUCTION MANUAL, 15TH EDITION



BUILDING SUMMARY

OCCUPANCY CLASSIFICATION: U (UNMANNED TELECOMMUNICATION FACILITY)
ZONE CLASSIFICATION: TBD
BUILDING USE: TBD
CONSTRUCTION TYPE: V-B

APN: 648-0-260-010, 020

PROJECT DESCRIPTION

THE PROJECT ENTAILS:
CUP RENEWAL:

- (3) ANTENNAS PER SECTOR, (6) TOTAL
- (2) RADIOS PER SECTOR, (4) TOTAL
- (1) TMA PER SECTOR, (2) TOTAL
- (1) DIPLEXER PER SECTOR, (2) TOTAL
- (3) EQUIPMENT CABINETS
- (1) GENERATOR
- (1) PROPANE TANK

LEGAL DESCRIPTION

DISTRICT: 09

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:			

DRIVING DIRECTION

FROM T-MOBILE OFFICE: 4100 GUARDIAN ST #101 SIMI VALLEY, CA 93063:
HEAD SOUTHWEST ON GUARDIAN ST TOWARD TAPO CANYON RD, TURN RIGHT ONTO TAPO CANYON RD. TURN RIGHT TO MERGE ONTO CA-118 E. TAKE EXIT 40 FOR BALBOA BLVD. USE THE LEFT 2 LANES TO TURN LEFT ONTO BALBOA BLVD. TURN LEFT ONTO FOOTHILL BLVD. SLIGHT RIGHT ONTO SIERRA HWY. USE THE LEFT 2 LANES TO TURN LEFT ONTO NEWHALL AVE. USE THE RIGHT 2 LANES TO TURN SLIGHTLY RIGHT ONTO RAILROAD AVE. CONTINUE ONTO BOUQUET CANYON ROAD. DESTINATION WILL BE ON RIGHT.

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.

T-Mobile
 Stick Together[®]
 4100 GUARDIAN ST., SUITE 101
 SIMI VALLEY, CA 93063

PROJECT INFORMATION:
 (CUP RENEWAL)
SV12842A
SANTA SUSANA PASS
 7535 SANTA SUSANA PASS RD.,
 SIMI VALLEY, CA 93063
 VENTURA COUNTY

CURRENT ISSUE DATE:
 02/09/22

ISSUED FOR:
CUP RENEWAL

REV.:	DATE:	DESCRIPTION:	BY:
△ A	02/09/22	CUP RENEWAL	VTA

PLANS PREPARED BY:

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

CONSULTANT:

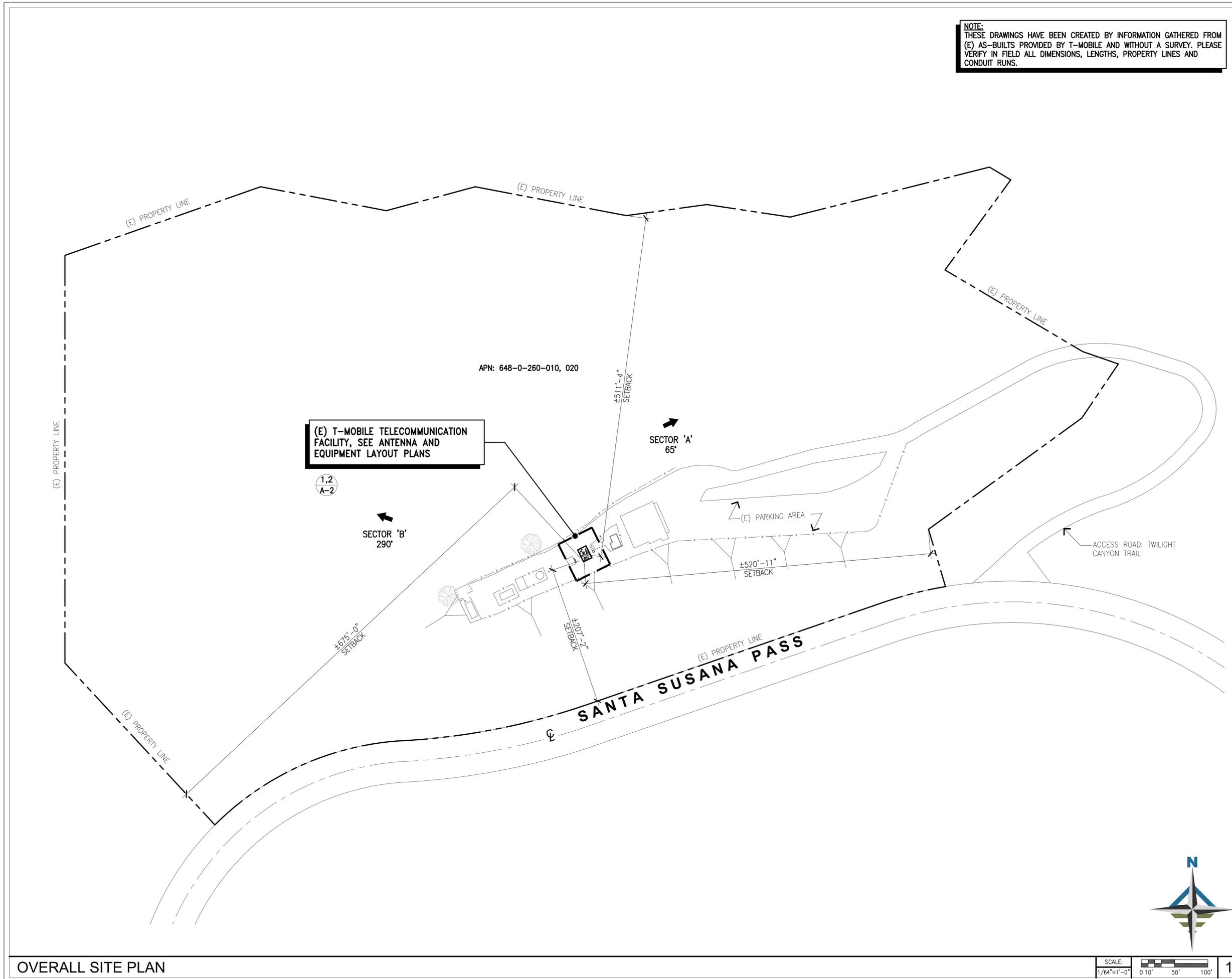
 a division of **advantage engineers**
 7543 Woodley Ave., #201, Van Nuys, CA 91406
 Office: (818) 840-0808 Fax: (818) 840-0708

DRAWN BY:	CHK.:	APV.:
VTA	TMH	TMH

LICENSURE:
 [Empty space for license information]

SHEET TITLE:
OVERALL SITE PLAN

SHEET NUMBER: **A-1** REVISION: **A**
 SV12842A



OVERALL SITE PLAN

SCALE: 1/64"=1'-0" 0 10' 50' 100' 1

PROJECT INFORMATION:

(CUP RENEWAL)

SV12842A
SANTA SUSANA PASS

7535 SANTA SUSANA PASS RD.,
SIMI VALLEY, CA 93063
VENTURA COUNTY

CURRENT ISSUE DATE:

02/09/22

ISSUED FOR:

CUP RENEWAL

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	02/09/22	CUP RENEWAL	VTA

PLANS PREPARED BY:



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

CONSULTANT:



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

DRAWN BY: CHK.: APV.:

VTA TMH TMH

LICENSURE:

SHEET TITLE:

ANTENNA AND EQUIPMENT LAYOUT PLANS

SHEET NUMBER: REVISION:

A-2

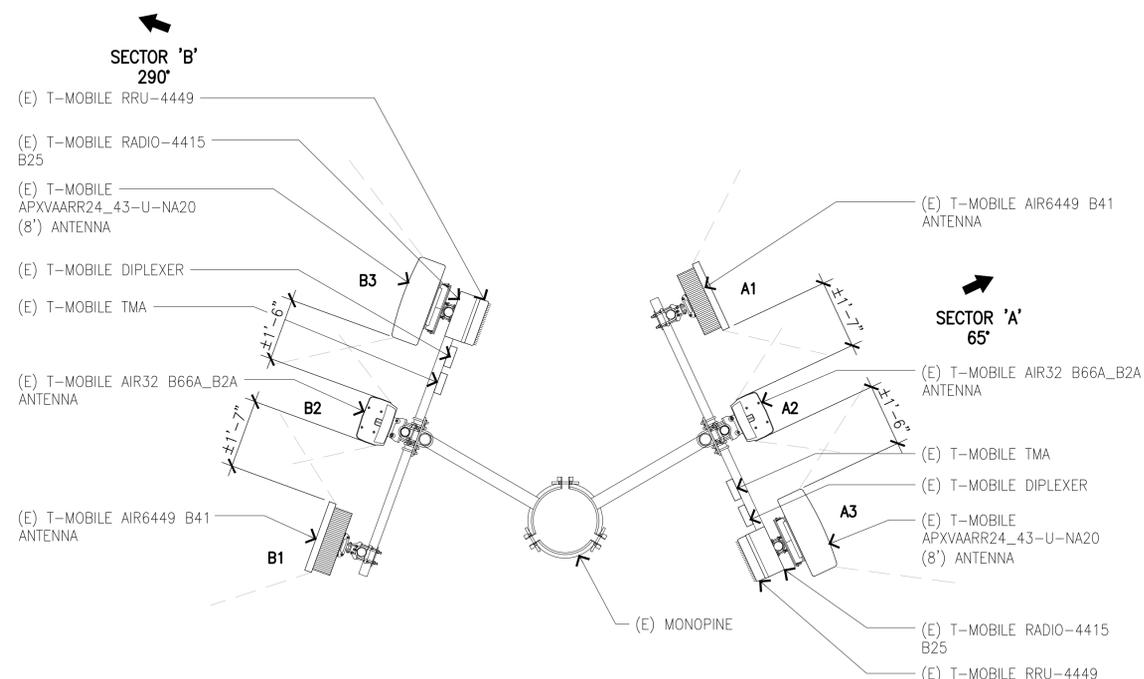
A

SV12842A

KEYNOTES:

- 1 (E) BOLLARDS, TYP.
- 2 (E) T-MOBILE PPC
- 3 (E) T-MOBILE TWC CABINET
- 4 (E) T-MOBILE FIBER BOX
- 5 (E) T-MOBILE GPS ANTENNA
- 6 (E) T-MOBILE 6102 EQUIPMENT CABINET
- 7 (E) CONCRETE PAD
- 8 (E) MONOPINE
- 9 (E) T-MOBILE CABLE TRAY
- 10 (E) UTILITY H-FRAME, BY OTHERS
- 11 (E) T-MOBILE POWERGEN 7500
- 12 (E) T-MOBILE PROPANE TANK WITH CMU WALL

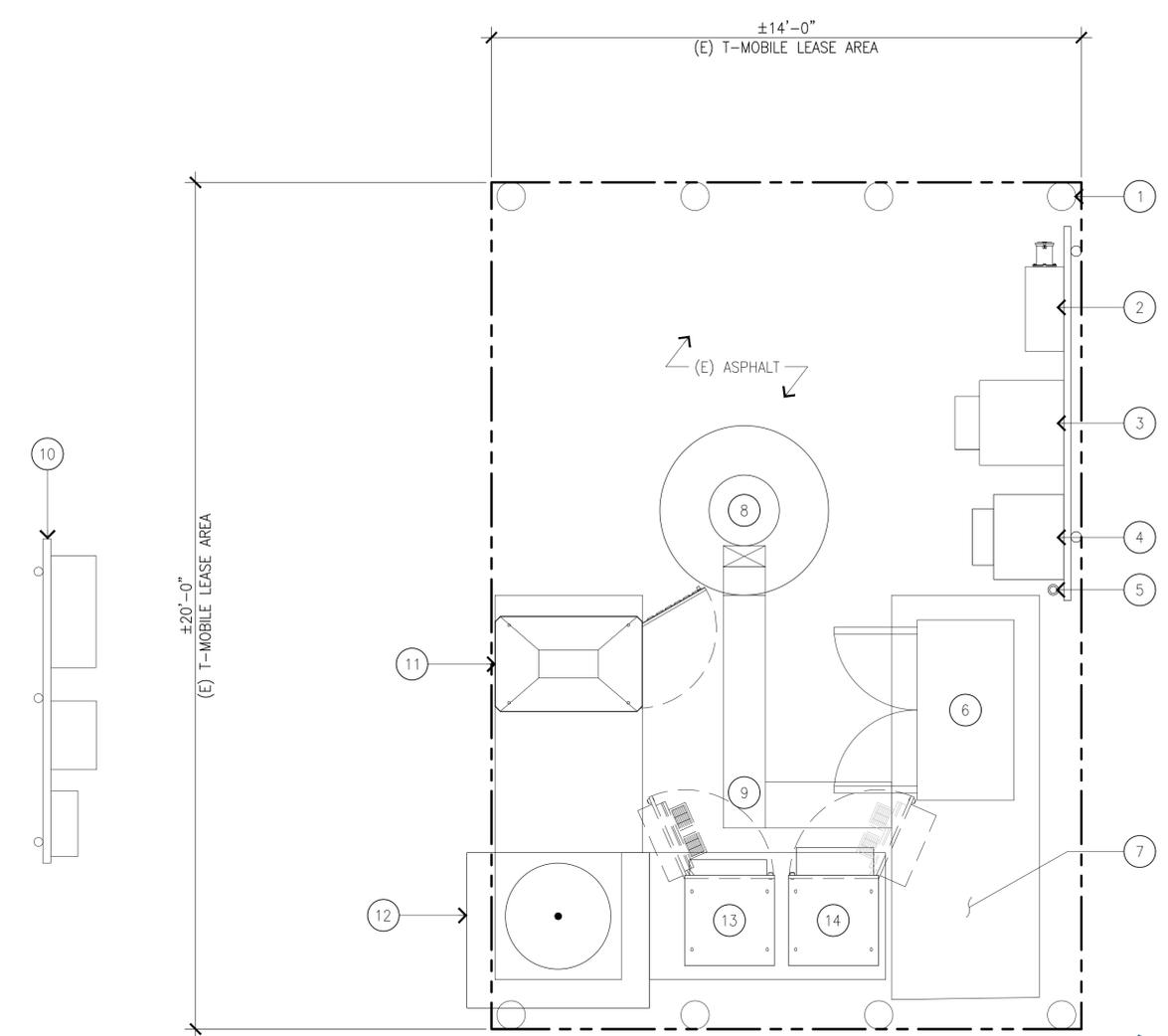
- 13 (E) T-MOBILE B160 BATTERY CABINET
- 14 (E) T-MOBILE 6160 EQUIPMENT CABINET



(E) ANTENNA LAYOUT PLAN

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

2



(E) EQUIPMENT LAYOUT PLAN

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

1

PROJECT INFORMATION:

(CUP RENEWAL)
SV12842A
SANTA SUSANA PASS
7535 SANTA SUSANA PASS RD.,
SIMI VALLEY, CA 93063
VENTURA COUNTY

CURRENT ISSUE DATE:

02/09/22

ISSUED FOR:

CUP RENEWAL

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	02/09/22	CUP RENEWAL	VTA

PLANS PREPARED BY:

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

CONSULTANT:

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

DRAWN BY: CHK.: APV.:

VTA	TMH	TMH
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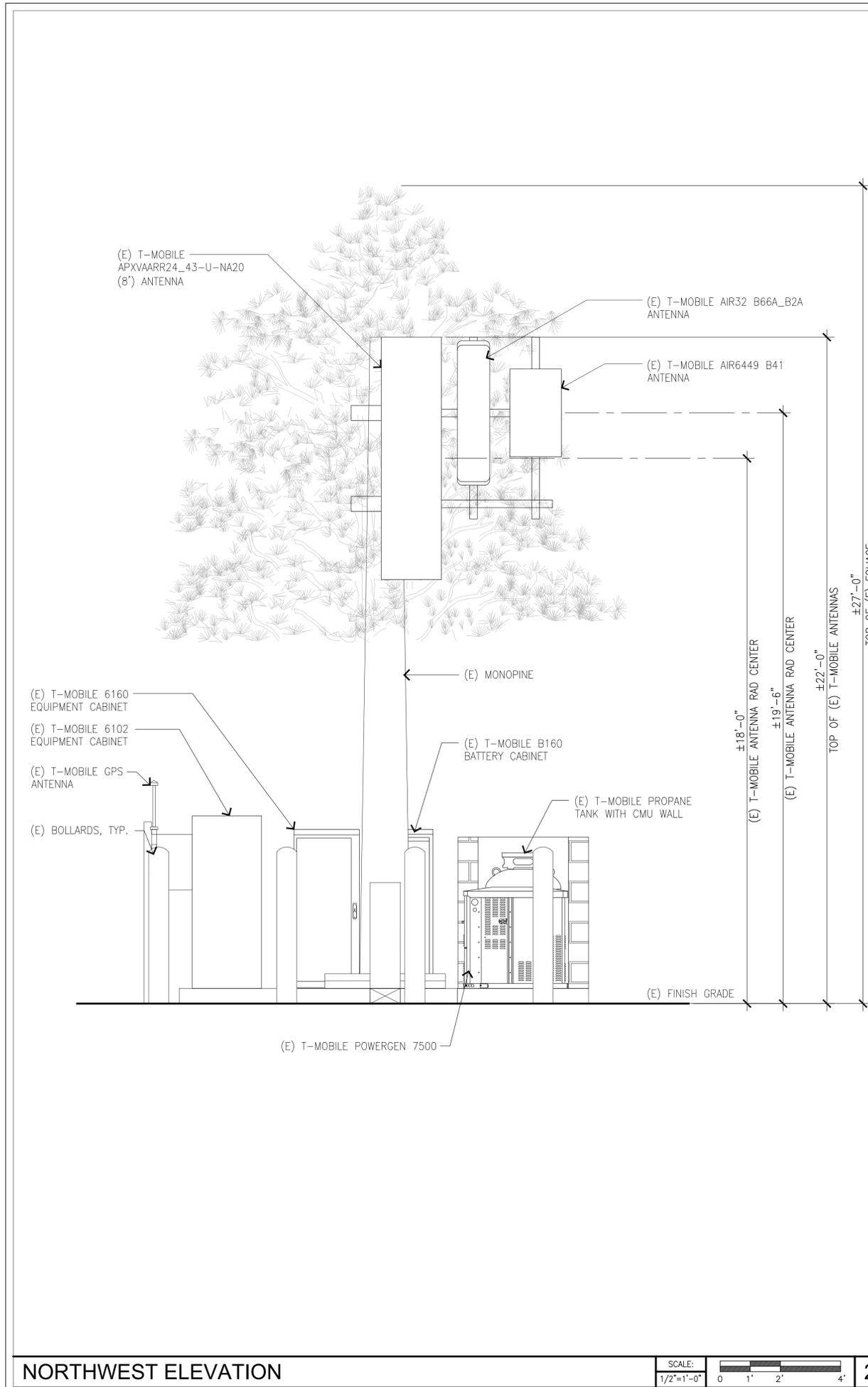
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SHEET TITLE:

ELEVATIONS I

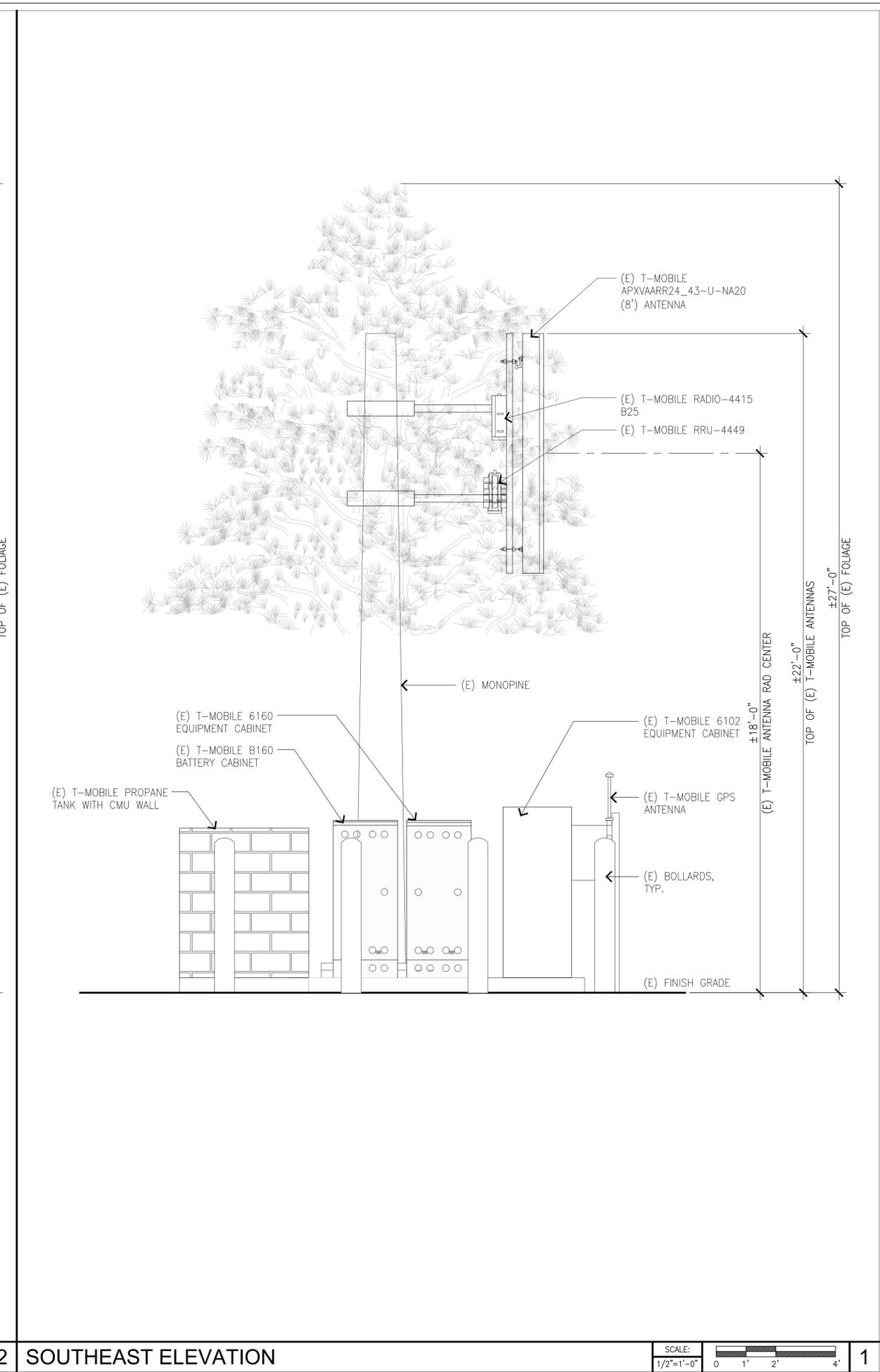
SHEET NUMBER: REVISION:

A-3 **A**
SV12842A



NORTHWEST ELEVATION

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



SOUTHEAST ELEVATION

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

PROJECT INFORMATION:

(CUP RENEWAL)

SV12842A
SANTA SUSANA PASS

7535 SANTA SUSANA PASS RD.,
SIMI VALLEY, CA 93063
VENTURA COUNTY

CURRENT ISSUE DATE:

02/09/22

ISSUED FOR:

CUP RENEWAL

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	02/09/22	CUP RENEWAL	VTA

PLANS PREPARED BY:



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

CONSULTANT:



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

DRAWN BY: CHK.: APV.:

VTA	TMH	TMH
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LICENSURE:

SHEET TITLE:

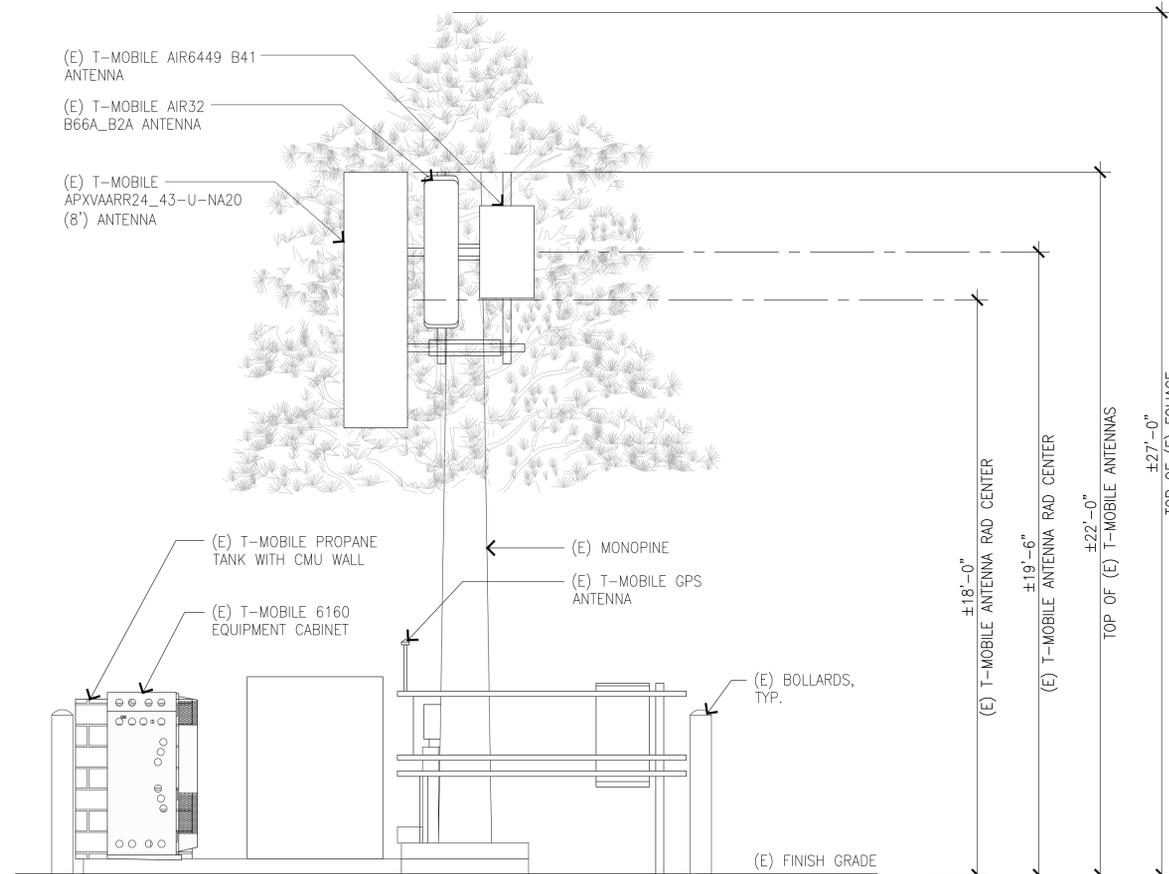
ELEVATIONS II

SHEET NUMBER: REVISION:

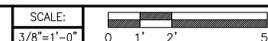
A-4

A

SV12842A

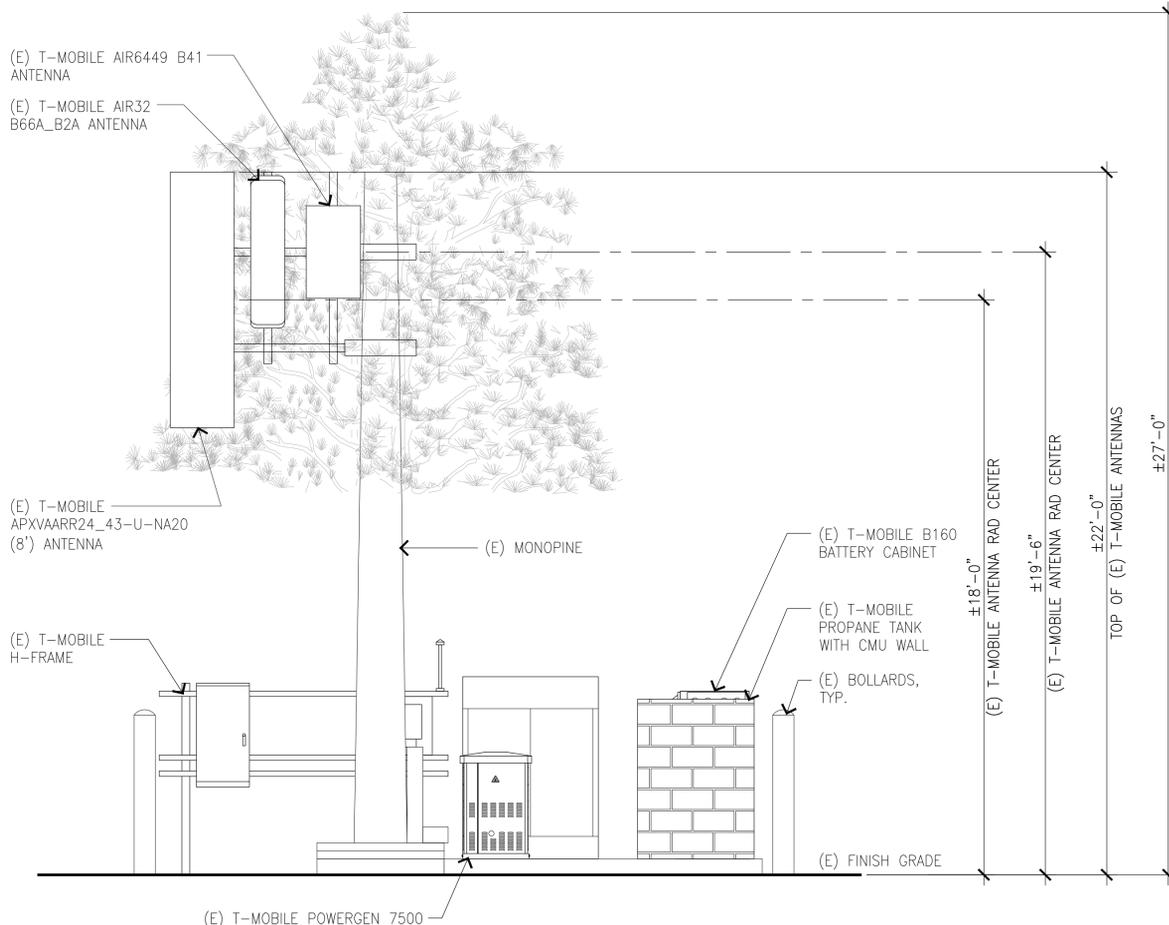


NORTHEAST ELEVATION



2

SOUTHWEST ELEVATION



1



Exhibit 4 – General 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

CONSISTENCY WITH THE GENERAL PLAN FOR A WIRELESS COMMUNICATION FACILITY, CASE NO. PL23-0010

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

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

Furthermore, the Ventura County Non-Coastal Zoning Ordinance (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.

The proposed project would authorize a Conditional Use Permit (CUP) for the continued operation of an existing stealth wireless communications facility (WCF) for a 10-year period (Case No. PL23-0010).

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

1. **COS-1.5 Development Within Habitat Connectivity and Wildlife Corridors**

Policy: *Development within the Habitat Connectivity and Wildlife Corridors overlay zone and Critical Wildlife Passage Areas overlay zone shall be subject to the applicable provisions and standards of these overlay zones as set forth in the Non-Coastal Zoning Ordinance.*

The proposed project would authorize the continued use of an existing stealth WCF. There are no proposed physical or operational changes to the existing WCF. Any future development will comply with the standards of the Critical Wildlife Passage Area overlay outlined in the NCZO. Additionally, as described in Table 2 of Section D of the Staff Report, the facility complies with the applicable standards of the Habitat Connectivity and Wildlife Corridor and the Critical Wildlife Passage Area Overlay Zones.

Based on the discussion above, the proposed project is consistent with General Plan Policy COS-1.5.

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

Planning Director Hearing
Case No. PL23-0010
Exhibit 4 - General Plan
Consistency Analysis

COS 3.6 Open Space Character Policy: *The County shall require discretionary development outside of Existing Communities be planned and designed to maintain the scenic open space character of the surrounding area, including view corridors from highways. Discretionary development should integrate design, construction, and maintenance techniques that minimize the visibility of structures from public viewing locations within scenic vistas.*

The proposed project would authorize a CUP for the continued operation of an existing stealth WCF. The WCF is camouflaged as a mono-pine tree and blends with the surrounding environment. Due to the surrounding topography, the and stealth design, the WCF is not prominently visible from public viewpoints. There are no operational or physical changes proposed as part of the project. Thus, there would be no new visual impacts and the existing development would remain compatible with the character of the surrounding development.

Based on the discussion above, the proposed project is consistent with General Plan Policies COS-3.5 and COS-3.6.

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

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

The existing stealth WCF is located in an area designated as a “very high fire hazard area”. The project site is already developed, and the project is conditioned to ensure all structures meet hazardous fire area building code requirements. The project is also conditioned to have all grass or brush removed consistent with the requirement for defensible spaces.

Based on the discussion above, the proposed project is consistent with General Plan Policy HAZ-1.1 and HAZ-1.2.

4. **HAZ-5.2 Hazardous Materials and Waste Management Facilities:** *The County shall require discretionary development involving facilities and operations which may potentially utilize, store, and/or generate hazardous materials and/or wastes be located in areas that would not expose the public to a significant risk of injury, loss of life, or property damage and would not disproportionately impact Designated Disadvantaged Communities.*

The proposed project was reviewed by the Environmental Health Division (EHD). In response to EHD's review, the existing WCF would be conditioned to require that the storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.

Based on the discussion above, the proposed project is consistent with General Plan Policy HAZ-5.2.

5. **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.*

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

The existing stealth WCF is located on a hilltop that is set back and not prominently visible by public viewpoints. The WCF is camouflaged as a mono-pine tree and blends with the surrounding environment. The design and colors of the WCF would continue to blend in with the surrounding land uses. The site is accessed via private road off Santa Susana Pass Road. The WCF would continue to provide the public communication and data services and remain compatible with the neighboring land uses. No new land use conflicts or visual impacts would occur with the continued use of the WCF. There are no operational or physical changes proposed as part of the project. Lastly, no water is required for this project.

Based on the discussion above, the proposed project is consistent with General Plan Policies LU-16.1 and LU-16.2.

6. **PFS- 1.1 Equitable Provision of Public Facilities and Services:** *The County shall require that facilities and services that are essential for public health and safety shall be equitably provided for all residents and businesses.*

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.*

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.*

The existing stealth WCF will continue to provide telecommunications service throughout the unincorporated County of Ventura, City of Simi Valley, and Los Angeles County, including access to high quality cellular mobile communications. The continued use of the facility ensures that the residents and businesses will maintain a high quality of service.

Based on the discussion above, the proposed project is consistent with General Plan Policy PFS-1.1, PFS-7.1, and PFS-7.5.

**DRAFT EXHIBIT 5 - CONDITIONS OF APPROVAL FOR CONDITIONAL USE
PERMIT (CUP) CASE NO. PL23-0010 (CUP 4599 and LU11-0060)**

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, the Staff Report and Exhibits 2 through 4 of the Planning Director hearing on May 25, 2023, 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:

The Project is a for the continued use, of an existing T-Mobile wireless communications facility (WCF) for an additional 10-year period. The existing WCF is designed as a stealth 27-foot-tall mono-pine tree. The WCF is also comprised of the following components:

- Six (6) panel antennas;
- Four (4) Radio Units;
- Three (3) Equipment Cabinets;
- One (1) Emergency Generator; and
- One (1) Propane Tank.

The WCF is unmanned, except for occasional periodic maintenance visits, and would continue to operate 24 hours per day. The WCF does not require water to operate. Access to the site is via a private gated road from Santa Susana Pass Road. No exterior lighting, grading, or fencing is proposed with the project. There are no operational or physical changes to the existing WCF proposed as part of this project.

The use and maintenance of the property 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.

Planning Director Hearing
Case No. PL23-0010
Exhibit 5 - Conditions of Approval

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 § 8114-3 of the Ventura County Non-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. Acceptance of Conditions and Schedule of Enforcement Responses

The Permittee's acceptance of this CUP 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.

5. 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 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 [insert actual date 10, years after approval]. 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.

6. 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.

7. Notice of CUP Requirements and Retention of CUP Conditions

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: 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 § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

8. 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 the 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.

9. 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:

Pursuant to the requirements of CUP Case No. LU11-0060, the Resource Management Agency created Condition Compliance Case No. CC12-0018 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding CUP Case No. LU11-0060. The Planning Division will continue to use Condition Compliance Case No. CC12-0018 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 9.a (above), and any duly-imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP, the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC12-0018, 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.

10. 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.

11. 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.

12. 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. 9 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.

13. 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 a WCF.

14. 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 Permit.

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.

15. 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.

16. Reporting of Major Incidents

Purpose: To ensure that the Planning Director is notified of major incidents associated with, or resulting from, the Project.

Requirement: The Permittee shall immediately notify the Planning Director by telephone, email, FAX, and/or voicemail of any incidents (e.g., fires, explosions, spills, landslides, or slope failures) that could pose a hazard to life or property inside or outside the Project site.

Documentation: Upon request of any County agency, the Permittee shall provide a written report of any incident that shall include, but is not limited to: a description of the facts of the incident; the corrective measures used, if any; and the steps taken to prevent a recurrence of the incident.

Timing: The Permittee shall provide the written report to the requesting County agency and Planning Division within seven days of receiving the request.

Monitoring and Reporting: The Planning Division maintains any documentation provided by the Permittee related to major incidents in the Project file.

17. 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.

Environmental Health Division (EHD) Conditions

18. Hazardous Materials/Waste Reporting and Management – Battery Storage

Purpose: To ensure the storage, handling, and disposal of any potentially hazardous material associated with batteries at wireless communication facilities complies with applicable State and local regulations.

Requirement: Used batteries must be properly disposed of or recycled in accordance with state and local regulations. If hazardous materials above reporting thresholds (200 cubic feet gas, 55 gallons liquid, 500 pounds solid) are stored onsite, or any hazardous wastes are generated, additional permitting, monitoring, and reporting requirements would apply. This threshold shall be calculated as the cumulative total of all batteries on the site. 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 (CUPA) website: <https://vcrma.org/cupa>

Documentation and Reporting: Verification of hazardous materials inventory as well as ongoing compliance with requirements shall be accomplished through field inspection by Ventura County CUPA staff. CUPA staff may request any documentation needed to determine whether a substance is considered a hazardous material. CUPA staff may request a site visit to determine if reportable quantities are being storage at a location and therefore require the submission of a Hazardous Materials Business Plan (HMBP) and issuance of a permit.

Monitoring: Ventura County CUPA staff respond to issues related to the proper storage and disposal of hazardous materials and wastes. When applicable, the Ventura County CUPA issues hazardous material and hazardous waste permits and conducts site inspections.

OTHER VENTURA COUNTY AGENCIES

Ventura County Fire Protection District (VCFPD) Conditions

19. 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 VCFPD for approval before final occupancy, installation and/or use of any item/system requiring a Fire Code permit.

Monitoring and Reporting: A copy of the approved Fire Code permits shall be kept on file with the VCFPD. The VCFPD 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 VCFPD, the Permittee, and their successors in interest, shall maintain the conditions of the Fire Code permit for the life of the development.

Note: This condition has been satisfied and would only apply to future development of the site if proposed.