



Planning Director Staff Report– Hearing on September 30, 2021

County of Ventura • Resource Management Agency

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“EMMA WOOD” WIRELESS COMMUNICATION FACILITY (WCF) MODIFIED CONDITIONAL USE PERMIT (CUP), CASE NO. PL20-0106

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) No. 5177 to authorize the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period for a site known as Verizon “Emma Wood” MTX – 41. (Case No. PL20-0106)
2. **Applicant:** Verizon Wireless, Attn: Cathy Beagle 15505 Sand Canyon Avenue, D1, Irvine, California 92618
3. **Property Owner:** California Department of Transportation, Attn: Rachel Kim, 100 South Main Street, MS-6, Los Angeles, California 90012
4. **Applicant’s Representative:** Core Development Services, c/o Mr. Eduardo Galdamez, 1511-D Orangethorpe Avenue, Fullerton, California 92831
5. **Decision-Making Authority:** Pursuant to the Ventura County Coastal Zoning Ordinance (CZO) (Section 8174-5 and Section 8181-3 et seq.), the Planning Director is the decision-maker for the requested modified CUP.
6. **Project Site Size, Location, and Parcel Number:** The project site is located on Edison Power Pole No. NT, near 1970 Pacific Coast Highway, adjacent to the Emma Wood on-ramp of CA State Highway 101, in the city of Ventura, in the unincorporated area of Ventura County. The nearest Tax Assessor’s parcel number for the parcel that constitutes the project site is 060-0-310-115 (Exhibit 2).
7. **Project Site Land Use and Zoning Designations (Exhibit 2):**
 - a. Countywide General Plan Land Use Map Designation: Open Space
 - b. Coastal Area Plan Land Use Map Designation: Agriculture
 - c. Zoning Designation: COS-10-ac-sdf (Coastal Open Space – 10-acre minimum lot area – slope density formula)

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	COS-10-ac-sdf	CA State Highway 101, followed by Open Space
East	COS-10-ac-sdf	Open Space
South	COS-10-ac-sdf	Open Space, followed by the Pacific Ocean
West	COS-10-ac-sdf	Open Space

9. History: On July 12, 2001, the Planning Commission approved CUP 5177 for the removal of an existing 35-foot-high utility pole and replacement of a 41-foot-high utility pole for operation of a WCF. The WCF included panel antennas mounted on the pole at 17 feet and 35 feet above ground level and associated ground mounted equipment located on a concrete pad within a cinder block wall enclosure on a 350 square foot lease area.

On April 16, 2008, the Planning Manager approved a permit adjustment (Case No. LU08-0019) authorizing the addition of one, two-foot-wide panel antenna at the 35-foot mark on the existing WCF. This panel antenna and mounting brackets has subsequently been removed.

On May 5, 2011, the Planning Director approved a minor modification of CUP 5177 (Case No. LU11-0017) authorizing the continued use, operation and maintenance of the existing WCF for an additional 10-year period. This modification also authorized the addition of one panel antenna, totaling four antennas on the WCF.

On December 8, 2020 the subject application was submitted to the County along with additional application materials submitted on February 10, 2021. On March 11, 2021, the application was deemed complete for processing.

10. Project Description: The applicant requests that a modified CUP be granted to authorize the continued use, operation and maintenance of an existing WCF for a 10-year period. The WCF is located on an existing 28-foot-high Edison power pole (Pole No. NT) and includes an approximately 324-square foot lease area surrounded by an existing seven-foot-high concrete block enclosure. The existing equipment at the WCF consists of the following:

- Four (4) panel antennas mounted on the Edison pole at a centerline of 25 feet, four inches above ground level;
- One (1), two-foot parabolic microwave dish mounted on the Edison pole at a centerline of approximately 26 feet above ground level; and,
- Multiple equipment cabinets, including eight (8) Remote Radio Heads (RRH) ground mounted within the concrete block enclosure.

The project does not propose any changes to the existing WCF including equipment upgrades, exterior lighting, grading or fencing. Water service would not be required for the continued use, operation or maintenance of the WCF. The WCF would continue to be unmanned, except for occasional periodic maintenance visits, and would operate 24 hours per day, 365 days per year. Access to the WCF remains available from the Emma Wood on-ramp of California State Highway 101, a public, paved road. (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 project includes the continued use, operation, and maintenance of an existing WCF with no proposed changes. Therefore, staff has determined that the project qualifies for Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

C. CONSISTENCY WITH THE GENERAL PLAN

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

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

Additionally, the Ventura County CZO (Section 8181-3.5.a) states that in order to be approved, a project must be found consistent with all applicable policies of the Ventura County Coastal Area Plan.

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

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

1. Coastal Area Plan, Environmentally Sensitive Habitat Areas, Adjacent Developments, Section 30240:

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

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

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

Based on the discussion above, the proposed project is consistent with Sections 30240 and 30251 of the Coastal Area Plan.

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

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

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

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

The location of the existing WCF is sited and designed to minimize the alteration of natural landforms, blends into the surrounding area and is not prominently visible from public viewpoints. The existing WCF has been determined to be consistent with the community character, natural environment and existing development.

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

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

The location of the existing WCF is located on an existing Edison pole and designed to protect views from public viewing areas of the ocean and scenic resources. The location of the WCF helps blend in with the surrounding area and is not prominently visible from public viewpoints.

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

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County CZO (Section 8174-4), the proposed use is allowed in the COS district with the granting of a modified CUP. Upon the granting of the modified CUP, the proposed project would comply with the requirements of the Ventura County CZO.

The proposed WCF is subject to the special use standards of the Ventura County CZO (Section 8175-5.20.4). 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?
Section 8175-5.20.4 – Development Standards for WCF’s Located in the Public Rights-of-Way:	Yes, all existing accessory equipment would continue to be located within a concrete block wall enclosure and

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>Development standards for WCF's in the public road rights-of-way shall be used in conjunction with applicable standards in Section 8175-5.20.3 above. In addition to the permit issued by the Planning Division, a WCF in the public rights-of-way will also require an encroachment permit from the California Department of Transportation or the Ventura County Public Works Agency. This section allows for the placement of WCF's within public road rights-of-way along existing developed roadways and does not apply to undeveloped public road rights-of way.</i></p>	<p>would not be prominently visible from any public viewpoint.</p>
<p>Section 8175-5.20.4 (a):</p> <p><i>Within the public road right-of-way, a WCF shall be designed as a stealth facility pursuant to Section 8172-1, and the WCF shall meet the following standards [as abbreviated]:</i></p> <ol style="list-style-type: none"> 1. <i>flush-mounted on an existing pole;</i> 2. <i>WCF size should be minimized;</i> 3. <i>WCF height shall be minimized;</i> 4. <i>Antenna shall be screened;</i> 5. <i>Equipment boxes or cabinets shall be ground-mounted; and,</i> 6. <i>WCF shall not obstruct visibility within the public right-of-way</i> 	<p>Yes, the facility uses colors that blend into the surroundings. No reflective materials will be used.</p>
<p>Section 8175-5.20.4 (b):</p> <p><i>Data collection units may be mounted on an existing utility pole (e.g. light pole or electricity transmission line pole) within the public road right-of-way along existing developed roadways, provided that all of the following standards are met:</i></p> <ol style="list-style-type: none"> 1. <i>Whip antennas do not exceed 36 inches in length;</i> 2. <i>Solar panels do not exceed 6 square feet in area;</i> 3. <i>Collection unit boxes do not exceed 1.5 cubic feet in volume;</i> 4. <i>Each data collection unit is sited at least 300 feet from other data collection units within the same network; and,</i> 5. <i>The design (materials, colors, shape, etc.) for the data collection unit blends into the surrounding environment.</i> 	<p>Yes, the WCF will always be operated and maintained to comply with the Ventura County noise standards.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to determine that the proposed project is consistent with the permit approval standards of the Ventura County CZO (Section 8181-3.5 et seq.). The proposed findings and supporting evidence are as follows:

1. **The proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program [Section 8181-3.5.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's Certified Local Coastal Program can be made.

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

The existing WCF that is the subject of this CUP application has been in operation since 2001. The continued use, operation and maintenance of the WCF would not alter the appearance of the site or the character of the land uses in the area. No new impact on public views would result from project implementation.

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

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

As discussed in Finding 2 (above), the proposed project would consist of the continued use, operation and maintenance of an existing WCF. The surrounding open space parcels would continue to be unaffected by the proposed project. Given the restrictive location and coastal nature of the area, a change in land uses in the general area is not foreseeable at this time. Thus, the project would continue to remain compatible with the land uses in the general area.

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

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

No adverse effects on neighboring properties or ongoing uses has been identified that would result from the proposed project. Additionally, the WCF would to be subject to conditions of approval (Exhibit 4) ensuring that the project would remain compatible with ongoing uses in the vicinity.

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

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

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.

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

As discussed in this staff report, and the entire record, the proposed project has been reviewed in compliance with CEQA and all other applicable laws.

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), CZO (Section 8181-6.2 et seq.). On September 15, 2021, the Planning Division mailed notice to owners of property within 2,000 feet and residents within 100 feet of the property on which the project site is located. On September 20, 2021, the Planning Division placed a legal ad in the *Ventura County Star*. As of the date of this document, the Planning Division has not received any public comments in support of, or in opposition to the project.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto, and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
3. **MAKE** the required findings to grant a Minor Modification of a CUP pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** Minor Modification of CUP Case No. 5177 (Case No. PL20-0106), subject to the conditions of approval (Exhibit 4).
5. **SPECIFY** that the Clerk of the Planning Division is the custodian, and 800 S. Victoria Avenue, Ventura, CA 93009 is the location, of the documents and materials that constitute the record of proceedings upon which this decision is based.

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

Planning Division shall then set a hearing date before the Planning Commission to review the matter at the earliest convenient date.

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

Prepared by:



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

Reviewed by:



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

EXHIBITS

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



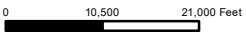
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Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map created on 09-13-2021

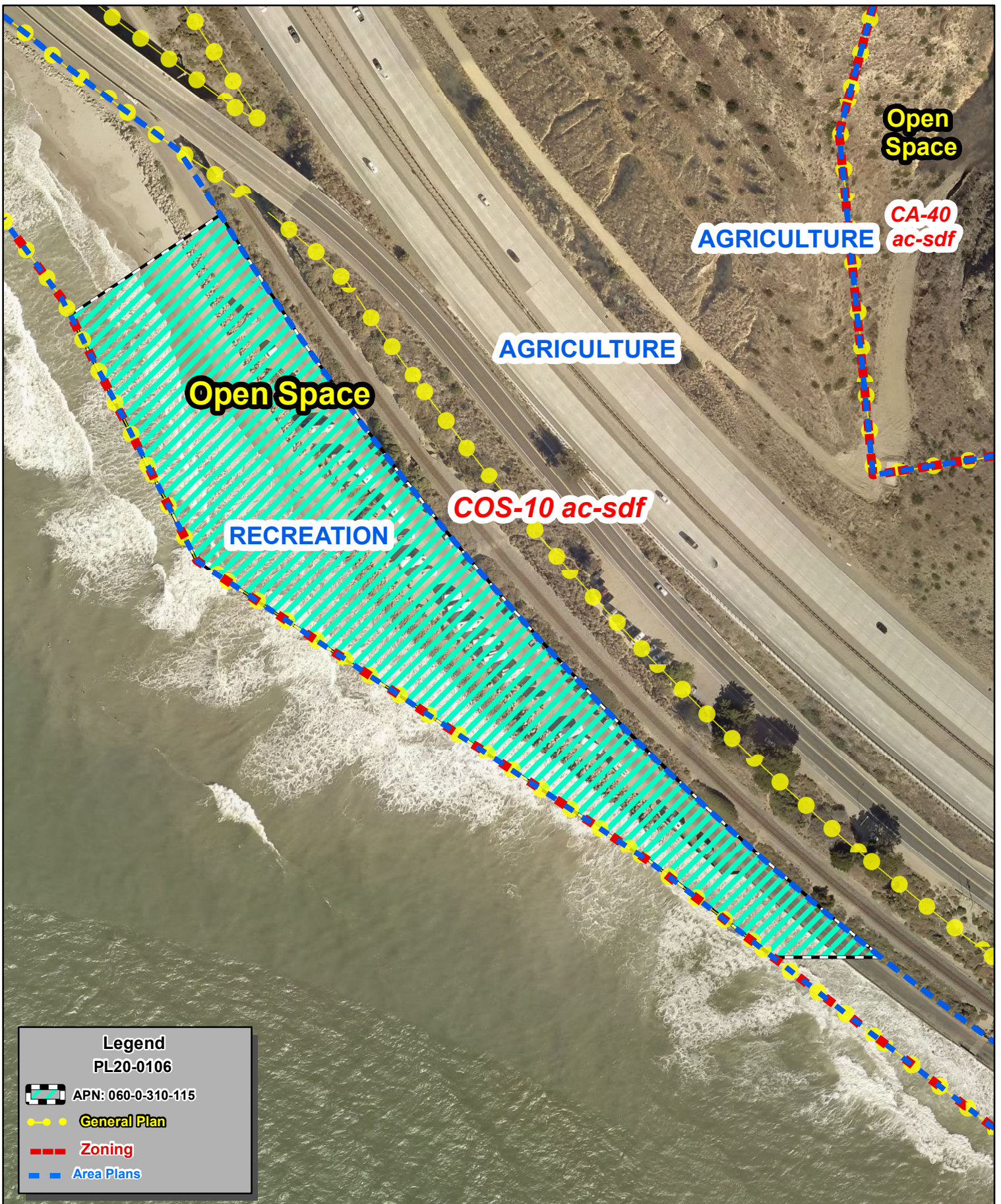


County of Ventura
Planning Director Hearing
Case No. PL20-0106
Exhibit 2 - Maps



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.

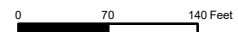




Ventura County, California
 Resource Management Agency
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**County of Ventura
 Planning Director Hearing
 PL20-0106
 General Plan & Zoning Map**



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County of Ventura
Planning Director Hearing
PL20-0106
Aerial Photography



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GENERAL NOTES

- INDEMNIFICATION CLAUSE: THE CONTRACTOR AGREES AND SHALL ASSUME SOLE AND COMPLETE RESPONSIBILITY OF THE JOBSITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THIS PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTIES. THAT THESE REQUIREMENTS SHALL APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS AND CONDITIONS. THE CONTRACTOR FURTHER AGREES TO DEFEND INDEMNITY AND HOLD VERIZON WIRELESS, REPRESENTATIVES, AND ENGINEERS HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED IN CONNECTION WITH THE PERFORMANCE OF THE WORK ON THIS PROJECT.
- PRIOR TO THE BEGINNING OF ANY CONSTRUCTION AND THROUGHOUT THE COURSE OF CONSTRUCTION WORK, THE CONTRACTOR SHALL FULLY COMPLY WITH "CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH" ACT OF 1973 INCLUDING ALL REVISIONS AND AMENDMENTS THERETO.
- ALL WORK SHALL CONFORM TO THE LATEST EDITION OF GO 95, 128, AND THE STANDARD "SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION", AS ADOPTED BY THE CITY, COUNTY OR STATE AS MODIFIED BY STANDARD PLANS AND ADDENDUMS.
- THE EXISTENCE AND LOCATION OF UTILITIES AND OTHER AGENCIES FACILITIES AS SHOWN HEREON ARE OBTAINED BY A SEARCH OF AVAILABLE RECORDS. OTHER FACILITIES MAY EXIST, THE CONTRACTOR SHALL VERIFY PRIOR TO THE START OF CONSTRUCTION AND SHALL USE EXTREME CARE AND PROTECTIVE MEASURES TO PREVENT DAMAGE TO THESE FACILITIES. THE CONTRACTOR IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITY OR AGENCY FACILITIES WITHIN THE LIMITS OR WORK, WHETHER THEY ARE SHOWN ON THIS PLAN OR NOT.
- THE CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT (800) 227-2600, AT LEAST TWO WORKING DAYS PRIOR TO THE START OF ANY EXCAVATION.
- THE CONTRACTOR SHALL NOTIFY THE CITY, COUNTY OR STATE ENGINEER INSPECTION DEPARTMENT, (213) 482-7030, AT LEAST TWO DAYS BEFORE START OF ANY WORK REQUIRING THEIR INVOLVEMENT.
- ALL WORK AREA AND STREET TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE SPECIFICATIONS OF THE WORK AREA TRAFFIC CONTROL BOOK AND SPECIFICATIONS FROM THE CITY, COUNTY OR STATE.
- THE CITY, COUNTY OR STATE SHALL SPECIFY THE EXPIRATION PERIOD OF THE PERMIT FOR THIS CONSTRUCTION PROJECT.
- THE MINIMUM COVER FOR ALL CONDUITS PLACED UNDERGROUND SHALL BE 36 INCHES TO THE FINISHED GRADE AT ALL TIMES.
- THE CONTRACTOR SHALL TUNNEL ALL CURB AND GUTTERS AND BORE ALL CONCRETE DRIVEWAYS AND WALKWAYS AT THE DIRECTION OF THE CITY, COUNTY OR STATE INSPECTOR.
- ALL AC AND/OR CONCRETE PAVEMENT SHALL BE REPLACED AT THE DIRECTION OF THE CITY, COUNTY OR STATE ENGINEERS.
- ALL SHRUBS, PLANTS OR TREES THAT HAVE BEEN DAMAGED OR DISTURBED DURING THE COURSE OF THE WORK, SHALL BE REPLANTED AND/OR REPLACED SO AS TO RESTORE THE WORK SITE TO ITS ORIGINAL CONDITION.
- IF DAMAGE OCCURS TO THE CITY OR COUNTY FACILITIES, THE CONTRACTOR SHALL IMMEDIATELY NOTIFY, TRAFFIC CONTROL LIGHTING; (213) 485-4184 STREET LIGHTING (213) 485-2121 EXT. 311.
- AT LEAST TWO DAYS PRIOR TO THE COMMENCEMENT OF ANY WORK, NOTIFY THE POLICE TRAFFIC BUREAU (213) 972-2445 AND THE FIRE DEPARTMENT; (213) 485-5162.
- THE CONTRACTOR WILL BE RESPONSIBLE FOR THE PROCESSING OF ALL APPLICATION PERMIT FORMS ALONG WITH THE REQUIRED LIABILITY INSURANCE FORMS, CLEARLY DEMONSTRATING THAT VERIZON WIRELESS, THE CITY, COUNTY OR STATE AS ALSO INSURED WITH THE REQUIRED LIABILITY INSURANCE IN THE AMOUNT OF \$1,000,000.00 FOR THIS CONSTRUCTION PROJECT.
- VAULTS, PEDESTALS, CONDUITS AND OTHER TYPES OF SUBSTRUCTURE ARE EITHER SPECIFIED ON THIS PLAN OR WILL BE SPECIFIED BY THE CONSTRUCTION ENGINEER, ANY AND ALL DEVIATIONS FROM THE SPECIFIED TYPES OF MATERIAL MUST BE APPROVED BY THE SYSTEM ENGINEER, IN WRITING BEFORE INSTALLATION THEREOF.
- ALL U.G. CONDUIT MUST BE SCHEDULE 40 OR BETTER.
- CONDUIT REQUIREMENTS:
UG-SCHEDULE 40 EXCEPT ALL RADIUS CONDUITS TO BE SCH. 80 RISERS-SCHEDULE 80.
- GROUND REQUIREMENTS:
5/8" ROD-10' LENGTH
#2 GROUND WIRE
WOOD MOLDING, STAPLED EVERY 3' AND AT EACH END GROUNDS 2' FROM POLE.
- THE MYERS ELECTRICAL METER PEDESTAL NEEDS SILICONE SEALANT AT BASE AROUND THE PED TO PREVENT RAIN INTRUSION (LEAVE 1/2 INCH OPENING) AND ADD DESICCANT BAG "ADCOA" TYPE 1, SIZE 16 TO PEDESTAL AS REQUIRED.
- POWER REQUIREMENT FOR 3 WIRE SERVICE 120/240V.
- CONTRACTOR SHALL NOTIFY POWER COMPANY THREE DAYS PRIOR TO START OF CONSTRUCTION FOR CONDUIT INSPECTION.
- ANY AND ALL PROPOSED SITE MODIFICATIONS, EXPANSION, OR REARRANGEMENT OF THIS CELLULAR SITE MUST BE COMPLIANT WITH ALL GO 95, AND GO 128 REGULATIONS AS PRESCRIBED BY STATE LAW. FUTURE EXPANSION OF THIS CELLULAR SITE MUST BE APPROVED BY THE DESIGNING ENGINEERING FIRM OR AN EQUALLY QUALIFIED ENGINEERING COMPANY.

INTENT

- THESE CONSTRUCTION DRAWINGS DESCRIBE THE WORK TO BE DONE & THE MATERIALS TO BE FURNISHED FOR CONSTRUCTION.
- THE INTENTION OF THE DOCUMENTS IS TO INCLUDE ALL LABOR AND MATERIALS REASONABLY NECESSARY FOR THE PROPER EXECUTION AND COMPLETION OF THE WORK AS STIPULATED IN THE CONTRACT.
- THE PURPOSE OF THE SPECIFICATIONS IS TO INTERPRET THE INTENT OF THE DRAWINGS AND TO DESIGNATE THE METHOD OF THE PROCEDURE, TYPE AND QUALITY OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- MINOR DEVIATIONS FROM THE DESIGN LAYOUT ARE ANTICIPATED AND SHALL BE CONSIDERED AS PART OF THE WORK. NO CHANGES THAT ALTER THE CHARACTER OF THE WORK WILL BE MADE OR PERMITTED BY THE OWNER WITHOUT ISSUING A CHANGE ORDER.



DEVELOPMENT SERVICES A&E SERVICES

SYMBOLS AND ABBREVIATIONS

R.O.W.	RIGHT OF WAY	---X-X-X-X-X---	FENCE
E.O.P.	EDGE OF PAVEMENT	====X====	DRIVEWAY
C/L	CENTER LINE	●	BUSHES
C/F	CURBFACE	⊗	TREE
P/L	PROPERTY LINE	●	FIRE HYDRANT
⊗	UTILITY POLE	○	UTILITY VALVE
☀	PROPOSED SITE POLE	○	SEWER MANHOLE
☀	STREET LIGHT	●	ROUND VENT
↘	DOWN GUY	↘	DIG-ALERTS

CONFLICTS

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFICATION OF ALL MEASUREMENTS AT THE SITE BEFORE ORDERING ANY MATERIALS OR DOING ANY WORK. NO EXTRA CHARGE OR COMPENSATION SHALL BE ALLOWED DUE TO DIFFERENCE BETWEEN ACTUAL DIMENSIONS AND DIMENSIONS INDICATED IN THE CONSTRUCTION DRAWINGS. ANY SUCH DISCREPANCY IN DIMENSIONS WHICH MAY BE FOUND SHALL BE SUBMITTED TO THE OWNER FOR CONSIDERATION BEFORE THE CONTRACTOR PROCEEDS WITH THE WORK IN THE AFFECTED AREAS.
- THE BIDDER, IF AWARDED THE CONTRACT, WILL NOT BE ALLOWED ANY EXTRA COMPENSATION BY REASON OF ANY MATTER OR THING CONCERNING WHICH SUCH BIDDER MIGHT HAVE FULLY INFORMED THEMSELVES PRIOR TO THE BIDDING.
- NO PLEA OF IGNORANCE OF CONDITIONS THAT EXIST, OR OF DIFFICULTIES OR CONDITIONS THAT MAY BE ENCOUNTERED OR OF ANY OTHER RELEVANT MATTER CONCERNING THE WORK TO BE PERFORMED IN THE EXECUTION OF THE WORK WILL BE ACCEPTED AS AN EXCUSE FOR ANY FAILURE OR OMISSION ON THE PART OF THE CONTRACTOR TO FULFILL EVERY DETAIL OF ALL THE REQUIREMENTS OF THE CONTRACT DOCUMENTS GOVERNING THE WORK.

WARRANTIES & BONDS

- CONTRACTOR IS RESPONSIBLE FOR APPLICATION AND PAYMENT OF CONTRACTOR LICENSES AND BONDS.
- SEE MASTER CONTRACTION SERVICES AGREEMENT FOR ADDITIONAL DETAILS.

RELATED DOCUMENTS & COORDINATION

- GENERAL CONSTRUCTION, ELECTRICAL AND ANTENNA DRAWINGS ARE INTERRELATED. IN PERFORMANCE OF THE WORK, THE CONTRACTOR MUST REFER TO ALL DRAWINGS. ALL COORDINATION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

STORAGE

- ALL MATERIALS MUST BE STORED IN A LEVEL AND DRY FASHION AND IN A MANNER THAT DOES NOT NECESSARILY OBSTRUCT THE FLOW OF OTHER WORK.
- BTS CABINETS MUST BE STORED INSIDE UNTIL THERE IS POWER ON SITE.
- STORAGE METHOD MUST MEET ALL RECOMMENDATIONS OF THE ASSOCIATED MANUFACTURER.

CHANGE ORDER PROCEDURE

- CHANGE ORDERS MAY BE INITIATED BY THE OWNER AND/OR THE CONTRACTOR INVOLVED. THE CONTRACTOR, UPON VERBAL REQUEST FROM THE OWNER SHALL PREPARE A WRITTEN PROPOSAL DESCRIBING THE CHANGE IN WORK OR MATERIALS AND ANY CHANGES IN THE CONTRACT AMOUNT AND PRESENT TO THE OWNER WITHIN 72 HRS FOR APPROVAL. SUBMIT REQUESTS FOR SUBSTITUTIONS IN THE FORM AND IN ACCORDANCE WITH PROCEDURES REQUIRED FOR CHANGE ORDER PROPOSALS. ANY CHANGES IN THE SCOPE OF WORK OR MATERIALS WHICH ARE PERFORMED BY THE CONTRACTOR WITHOUT A WRITTEN CHANGE ORDER AS DESCRIBED & APPROVED BY THE OWNER SHALL PLACE FULL RESPONSIBILITY OF THESE ACTIONS ON THE CONTRACTOR.

CLEAN UP

- THE CONTRACTOR SHALL AT ALL TIMES KEEP THE SITE FREE FROM ACCUMULATION OF WASTE MATERIALS OR RUBBISH CAUSED BY THEIR EMPLOYEES AT WORK. AT THE COMPLETION OF THE WORK, THEY SHALL REMOVE ALL RUBBISH FROM AND ABOUT THE BUILDING AREA, INCLUDING ALL THEIR TOOLS, SCAFFOLDING AND SURPLUS MATERIALS AND SHALL LEAVE THEIR WORK CLEAN AND READY FOR USE.
- VISUALLY INSPECT EXTERIOR SURFACES AND REMOVE ALL TRACES OF SOIL, WASTE MATERIALS, SMUDGES & OTHER FOREIGN MATTER.
- REMOVE ALL TRACES OF SPLASHED MATERIALS FROM ADJACENT SURFACES.
- IF NECESSARY TO ACHIEVE A UNIFORM DEGREE OF CLEANLINESS, HOSE DOWN THE EXTERIOR OF THE STRUCTURE.

PRODUCTS & SUBSTITUTIONS

- SUBMIT 3 COPIES OF EACH REQUEST FOR SUBSTITUTION. IN EACH REQUEST IDENTIFY THE PRODUCT OR FABRICATION OR INSTALLATION METHOD TO BE REPLACED BY THE SUBSTITUTION INCLUDE RELATED SPECIFICATION SECTION AND DRAWING NUMBERS AND COMPLETE DOCUMENTATION SHOWING COMPLIANCE WITH THE REQUIREMENTS FOR SUBSTITUTIONS.
- SUBMIT ALL NECESSARY PRODUCT DATA AND CUT SHEETS WHICH PROPERLY INDICATE AND DESCRIBE THE ITEMS, PRODUCTS & MATERIALS BEING INSTALLED. THE CONTRACTOR SHALL, IF DEEMED NECESSARY BY THE OWNER SUBMIT ACTUAL SAMPLES TO THE OWNER FOR APPROVAL IN LIEU OF CUT SHEETS.

CODE COMPLIANCE

- ALL WORK SHALL BE IN ACCORDANCE WITH APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS. THESE SHALL INCLUDE BUT NOT BE LIMITED TO THE LATEST VERSION OF THE FOLLOWING:

2016 CALIFORNIA BUILDING CODE.
2016 CALIFORNIA ELECTRICAL CODE.
2016 CALIFORNIA PLUMBING CODE.
2016 CALIFORNIA MECHANICAL CODE.
2016 CALIFORNIA CODE OF REGULATIONS.
FOR ENERGY CONSERVATION.
G095/G0128

INSURANCE & BONDS

- CONTRACTOR SHALL AT THEIR OWN EXPENSE CARRY AND MAINTAIN FOR THE DURATION OF THE PROJECT ALL INSURANCE AS REQUIRED AND LISTED.
- CONTRACTOR SHALL NOT COMMENCE WITH THEIR WORK UNTIL THEY HAVE PRESENTED AN ORIGINAL CERTIFICATE OF INSURANCE STATING ALL COVERAGE'S TO THE OWNER.
- THE OWNER SHALL BE NAMED AS AN ADDITIONAL INSURED ON ALL POLICIES.
- REFER TO THE MASTER AGREEMENT FOR REQUIRED INSURANCE LIMITS.

ADMINISTRATION

- BEFORE THE COMMENCEMENT OF ANY WORK, THE CONTRACTOR WILL ASSIGN A PROJECT MANAGER WHO WILL ACT AS A SINGLE POINT OF CONTACT FOR ALL PERSONNEL INVOLVED IN THIS PROJECT. THIS PROJECT MANAGER WILL BE DEVELOPING A MASTER SCHEDULE FOR THE PROJECT WHICH WILL SUBMITTED TO THE OWNER PRIOR TO THE COMMENCEMENT OF ANY WORK.
- SUBMIT A BAR TYPE PROGRESS CHART NOT MORE THAN THREE (3) DAYS AFTER THE DATE ESTABLISHED FOR COMMENCEMENT OF THE WORK ON THE SCHEDULE, INDICATING A TIME BAR FOR EACH MAJOR CATEGORY OF WORK TO BE PERFORMED AT THE SITE, PROPERLY SEQUENCED AND COORDINATED WITH OTHER ELEMENTS OF WORK & SHOWING COMPLETION OF THE WORK SUFFICIENTLY IN ADVANCE OF THE DATE ESTABLISHED FOR SUBSTANTIAL COMPLETION OF THE SITE.
- PRIOR TO COMMENCING CONSTRUCTION, THE OWNER SHALL SCHEDULE AN ON-SITE MEETING WITH ALL MAJOR PARTIES. THIS WOULD INCLUDE (THOUGH NOT LIMITED TO) THE OWNER, PROJECT MANAGER, CONTRACTOR, LAND OWNER REPRESENTATIVE, LOCAL TELEPHONE COMPANY, TOWER ERECTION FOREMAN (IF SUBCONTRACTED).
- CONTRACTOR SHALL BE EQUIPPED WITH SOME MEANS OF CONSTANT COMMUNICATIONS, SUCH AS A MOBILE PHONE OR A BEEPER. THIS EQUIPMENT WILL NOT BE SUPPLIED BY THE BY THE OWNER, NOR WILL WIRELESS SERVICE BE ARRANGED.
- DURING CONSTRUCTION, CONTRACTOR MUST ENSURE THAT EMPLOYEES AND SUBCONTRACTORS WEAR HARD HATS AT ALL TIMES. CONTRACTOR WILL COMPLY WITH ALL VERIZON WIRELESS SAFETY REQUIREMENTS IN THEIR AGREEMENT.
- PROVIDE WRITTEN DAILY UPDATES AND PHOTOGRAPHS OF ON SITE PROGRESS TO THE PROJECT MANAGER VIA E-MAIL.
- A COMPLETE INVENTORY OF CONSTRUCTION MATERIALS AND EQUIPMENT IS REQUIRED PRIOR TO START OF CONSTRUCTION.
- NOTIFY THE OWNER / PROJECT MANAGER IN WRITING NO LESS THAN 48 HOURS IN ADVANCE OF CONCRETE POURERS, TOWER ERECTIONS, AND EQUIPMENT CABINET PLACEMENTS.
- CLOSEOUT PACKAGE IS DUE COMPLETE WITH DETAILED TOP PHOTOS UPON SITE PUNCHWALK WITH PROJECT MANAGER (SEE PROJECT MANAGER FOR SAMPLE CLOSEOUT PACKAGE).

SHOP DRAWINGS

- CONTRACTOR SHALL SUBMIT SHOP DRAWINGS AS REQUIRED AND LISTED IN THESE DRAWINGS TO THE OWNER FOR APPROVAL.
- ALL SHOP DRAWINGS SHALL BE REVIEWED, CHECKED AND CORRECTED BY CONTRACTOR PRIOR TO SUBMITTAL TO THE OWNER.

ISSUE STATUS

REV.	DATE	DESCRIPTION	BY
A	08/05/20	CUP AS-BUILTS	CAP



DEVELOPMENT SERVICES A&E SERVICES

210 W. Birch St., #201
Brea, CA 92821
(714)729-8404 (714)333-4441 fax
www.core.us.com

PROPRIETARY INFORMATION

THE INFORMATION CONTAINED IN THIS SET OF DRAWINGS IS PROPRIETARY & CONFIDENTIAL TO VERIZON WIRELESS. ANY USE OR DISCLOSURE OTHER THAN AS IT RELATES TO VERIZON WIRELESS IS STRICTLY PROHIBITED.



15505 SAND CANYON AVENUE, D1
IRVINE, CALIFORNIA 92618
949.286.7000

EMMAWOOD

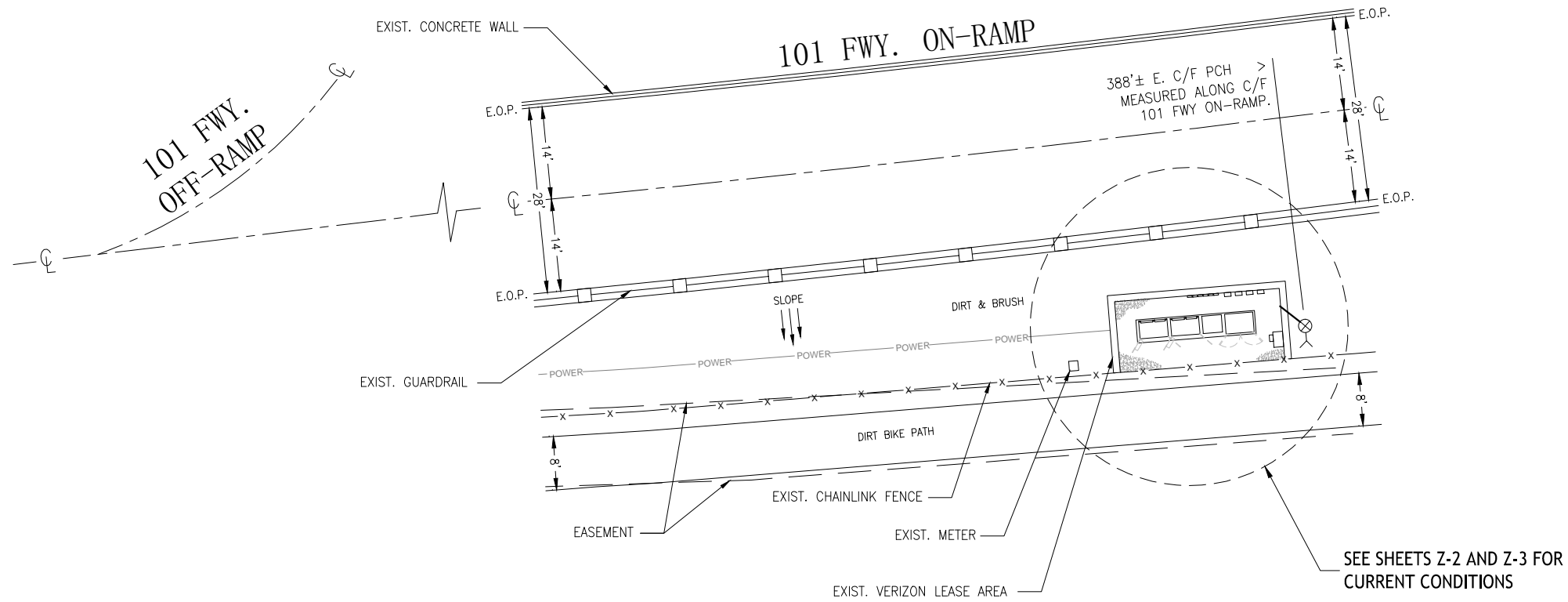
1970 PACIFIC COAST HIGHWAY
VENTURA, CA 93001
POWER POLE #NT

VENTURA COUNTY

SHEET TITLE:
**GENERAL NOTES
& SPECIFICATIONS**

T-2

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES



SEE SHEETS Z-2 AND Z-3 FOR CURRENT CONDITIONS

SITE PLAN



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 A&E SERVICES
 210 W. Birch St., #201
 Brea, CA 92821
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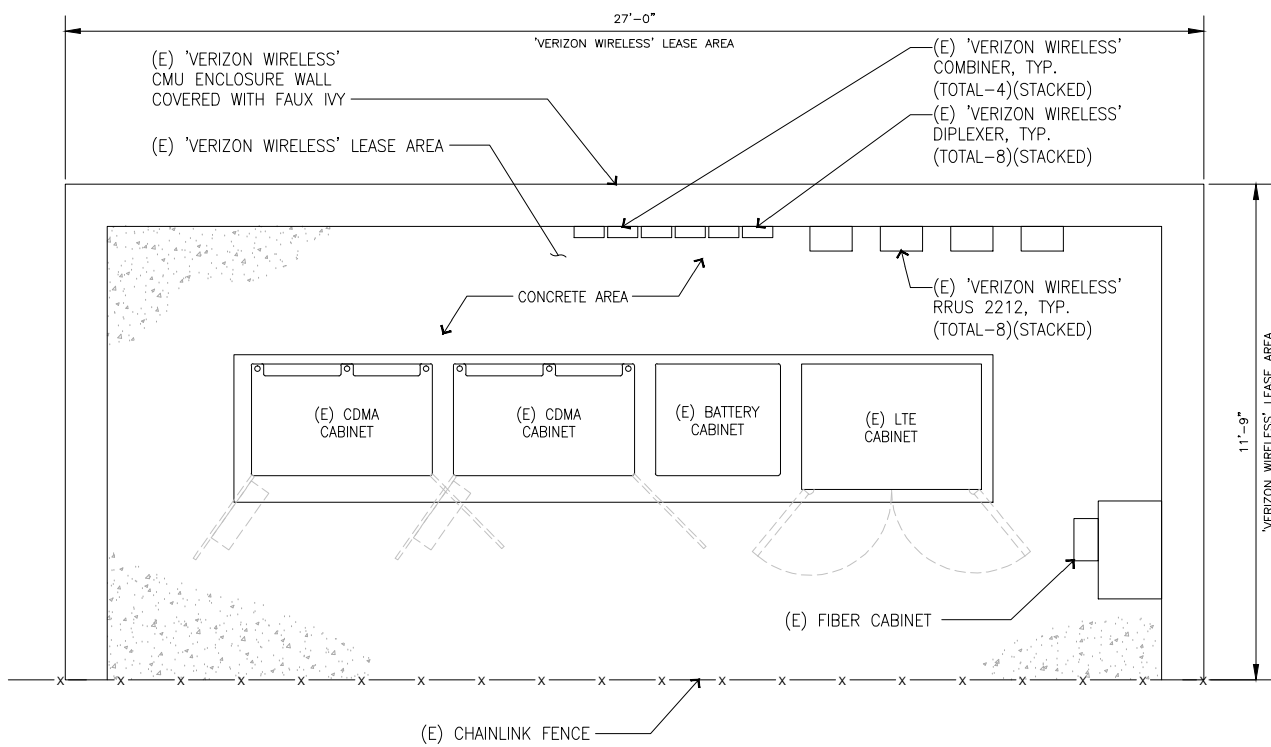
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verizon
 15505 SAND CANYON AVENUE, D1
 IRVINE, CALIFORNIA 92618
 949.286.7000

EMMAWOOD
 1970 PACIFIC COAST HIGHWAY
 VENTURA, CA 93001
 POWER POLE #NT
 VENTURA COUNTY

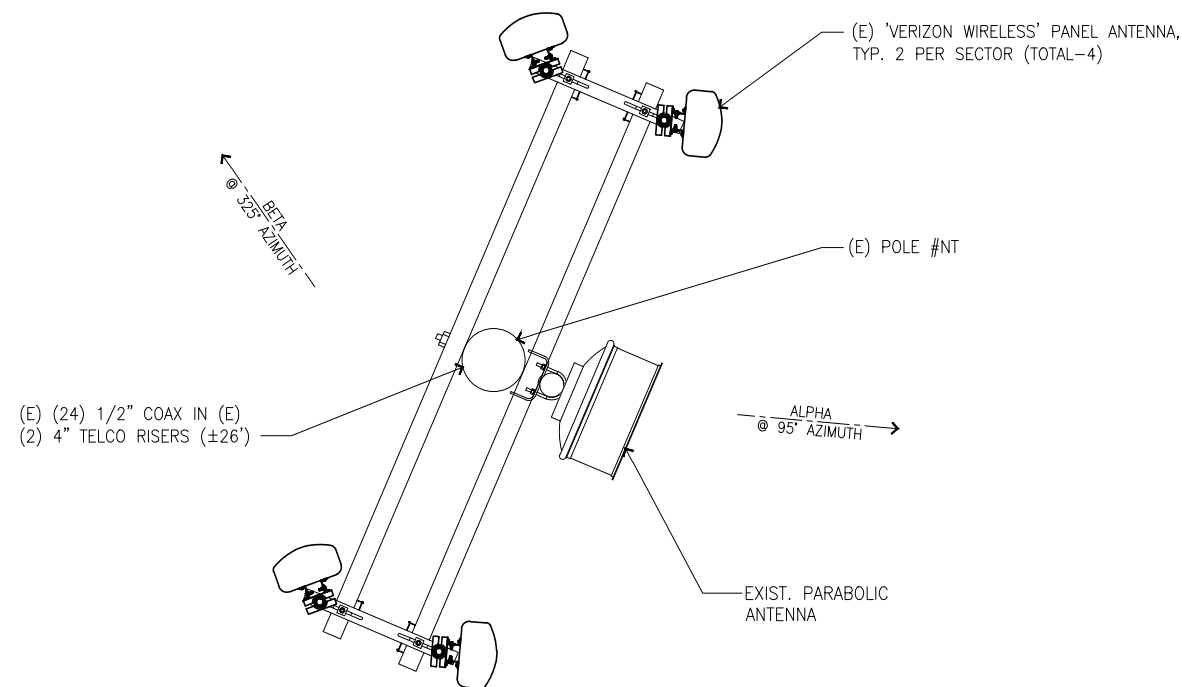
SHEET TITLE:
SITE PLAN

Z-1



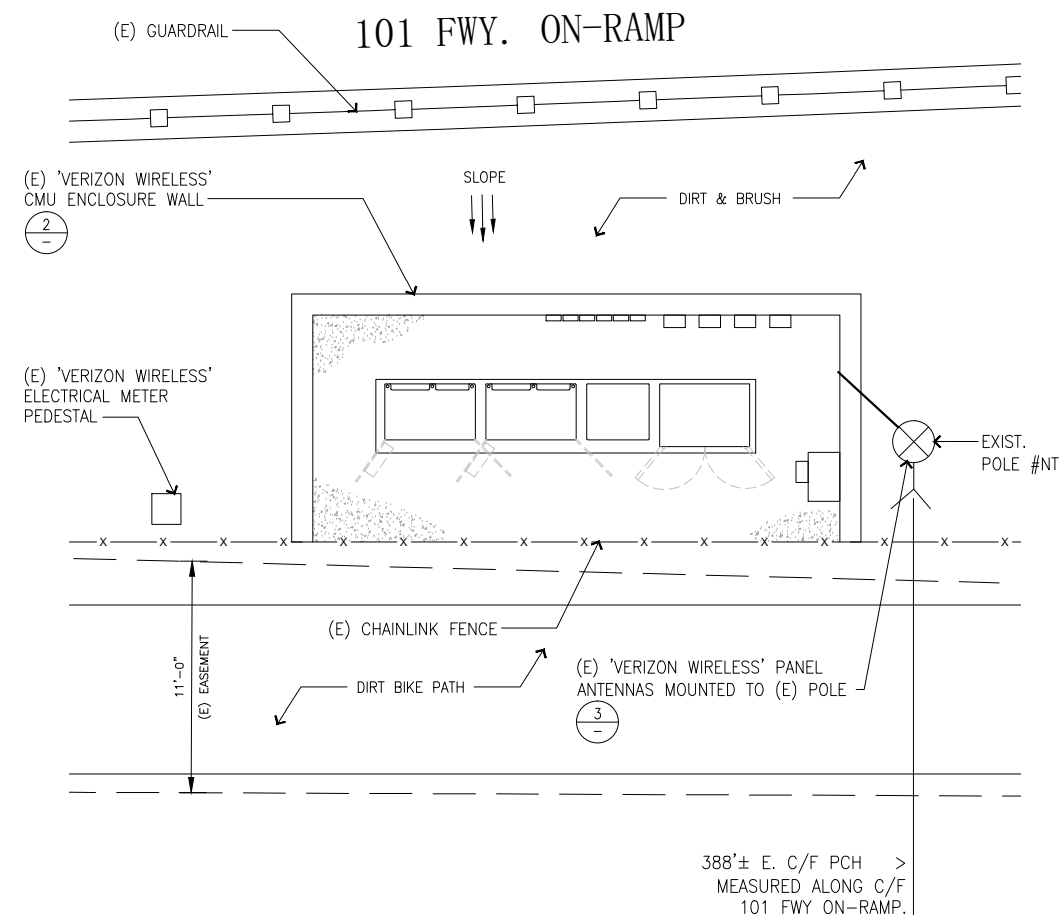
EXISTING EQUIPMENT PLAN

SCALE: N.T.S. 2



ANTENNA PLAN

3



DETAIL "A"

ENLARGED SITE PLAN

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

ISSUE STATUS			
REV.	DATE	DESCRIPTION	BY
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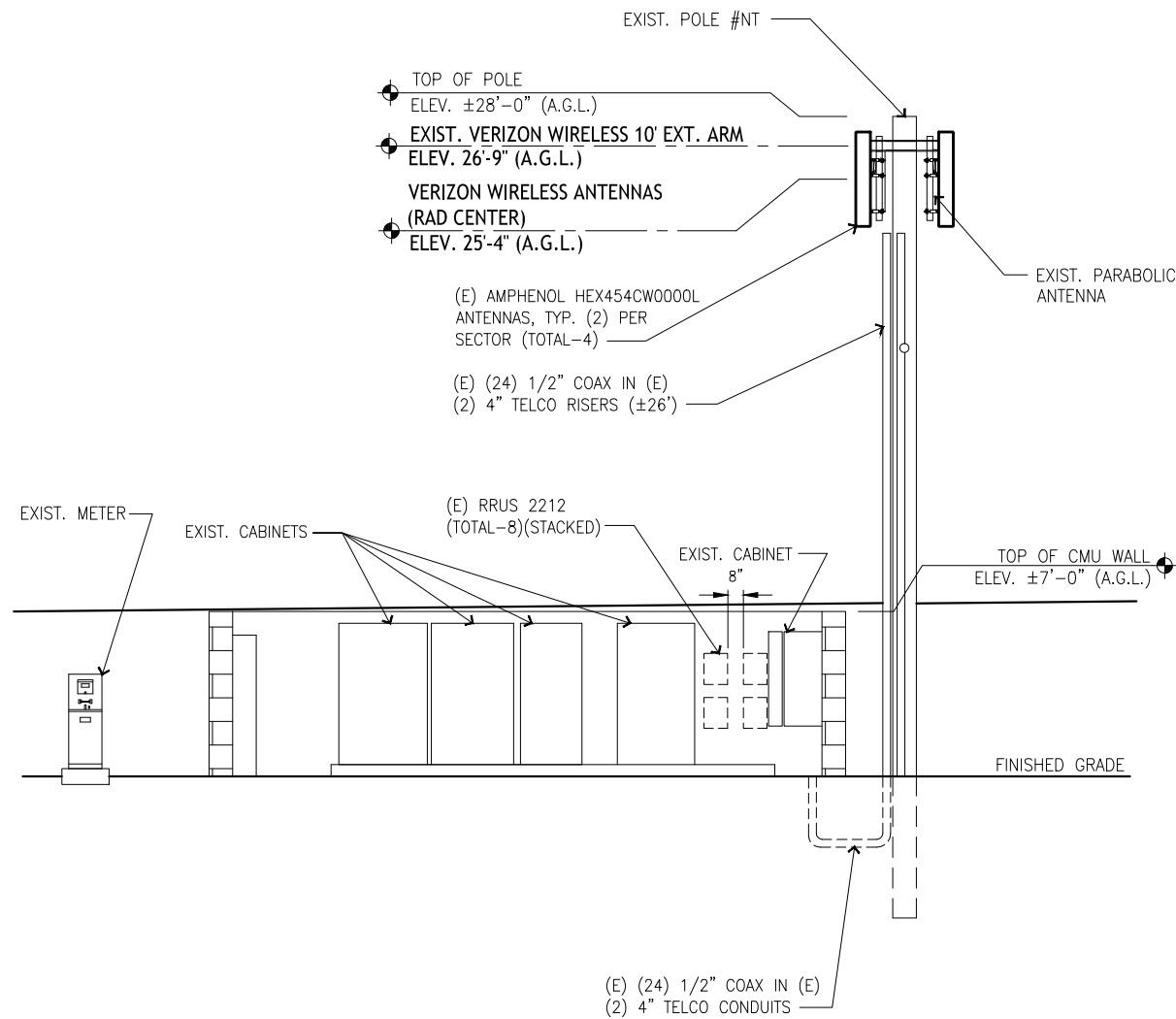
EMMAWOOD
1970 PACIFIC COAST HIGHWAY
VENTURA, CA 93001
POWER POLE #NT
VENTURA COUNTY

SHEET TITLE:
SITE PLAN & (E)
EQUIP. PLAN

Z-2

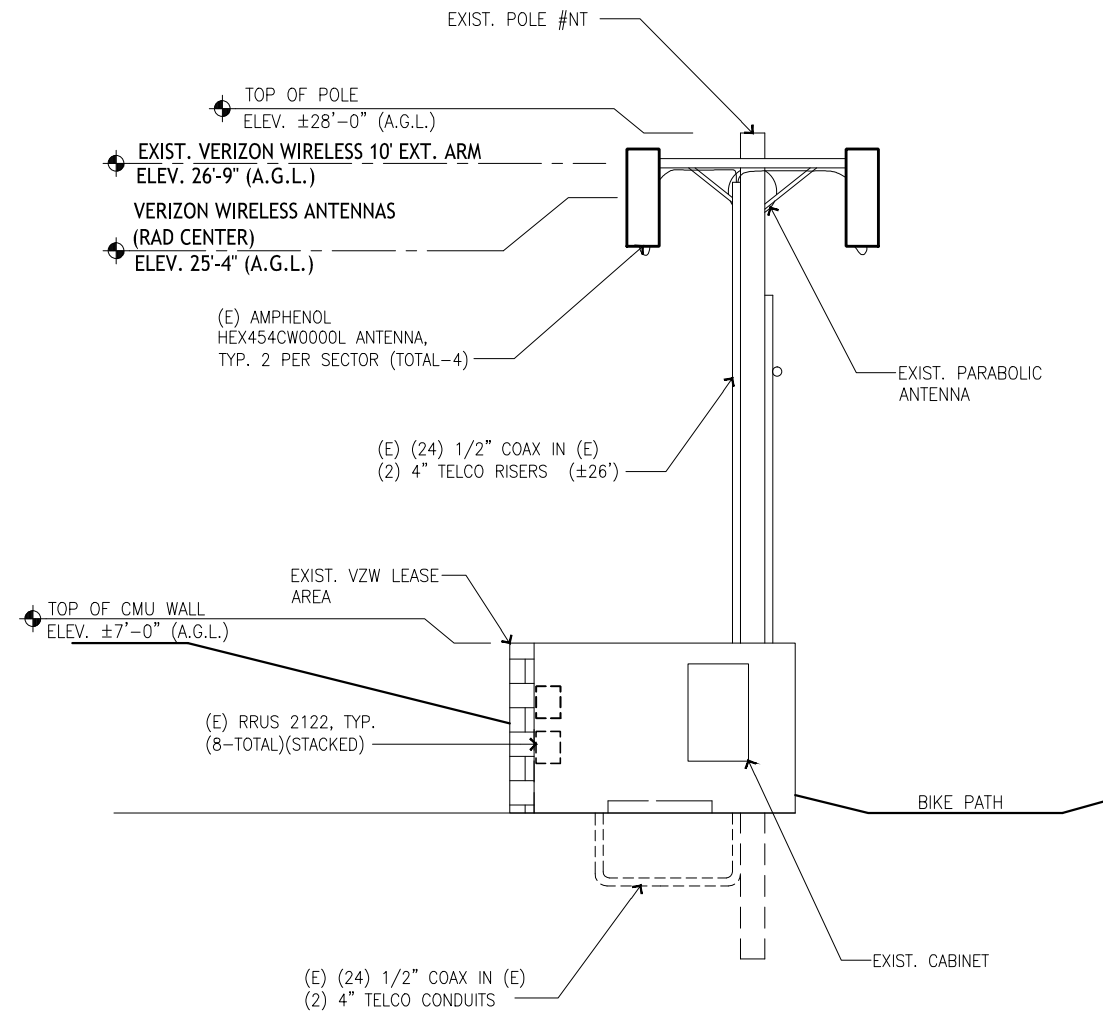
NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES

NOTE: THE ORIGINAL SIZE OF THIS PLAN IS 24" X 36". SCALE RATIO IS NOT VALID FOR REDUCED OR ENLARGED SHEET SIZES



VIEW LOOKING NORTH

2



VIEW LOOKING EAST

1

REV.	DATE	DESCRIPTION	BY
A	08/05/20	CUP AS-BUILTS	CAP

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 DEVELOPMENT SERVICES
 A&E SERVICES
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PROPRIETARY INFORMATION
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EMMAWOOD
 1970 PACIFIC COAST HIGHWAY
 VENTURA, CA 93001
 POWER POLE #NT
 VENTURA COUNTY

SHEET TITLE:
ELEVATIONS

Z-3

Draft Conditions of Approval for CUP 5177 (PL20-0106) Permittee: Verizon Wireless, Attn: Cathy Beagle
Location: Edison Power Pole No. NT, near 1970 Pacific Coast Highway
Date of Public Hearings: July 12, 2001, May 5, 2011, and September 30, 2021
Date of Approval: TBD

EXHIBIT 4

DRAFT CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT 5177, (AS MODIFIED BY MINOR MODIFICATION CASE NO. LU11-0017 AND ADJUSTED BY PERMIT ADJUSTMENT PERMIT NO. LU08-0019) FOR “EMMA WOOD” WIRELESS COMMUNICATION FACILITY

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

I. Planning Division (PL) Conditions

1. Project Description

This Conditional Use Permit (CUP) is based on and limited to compliance with the project description stated in this condition below, Exhibits 2 through 4 of the Planning Director hearing on September 30, 2021, and conditions of approval set forth below. Together, these conditions and documents describe the “Project.” Any deviations from the Project must first be reviewed and approved by the County in order to determine if the Project deviations conform to the Project as approved. Project deviations may require Planning Director approval for changes to the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

A modified CUP has been granted to authorize the continued use, operation and maintenance of an existing Wireless Communication Facility (WCF) for a 10-year period. The WCF is located on an existing 28-foot-high Edison power pole (Pole No. NT) and includes an approximately 324-square foot lease area surrounded by an existing seven-foot-high concrete block enclosure. The existing equipment at the WCF consists of the following:

- Four (4) panel antennas mounted on the Edison pole at a centerline of 25 feet, four inches above ground level;
- One (1), two-foot parabolic microwave dish mounted on the Edison pole at a centerline of approximately 26 feet above ground level; and,
- Multiple equipment cabinets, including eight (8) Remote Radio Heads (RRH) ground mounted within the concrete block enclosure.

The project does not authorize any changes to the existing WCF including equipment upgrades, exterior lighting, grading or fencing. Water service is not required for the continued use, operation or maintenance of the WCF. The WCF shall continue to be

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Planning Director Hearing
Case No. PL20-0106
Exhibit 4 - Conditions of Approval

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unmanned, except for occasional periodic maintenance visits, and may operate 24 hours per day, 365 days per year. Access to the WCF remains available from the Emma Wood on-ramp of California State Highway 101, a public, paved road.

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 § 8183-5 of the Ventura County 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.

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

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

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

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

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 Coastal Zoning Ordinance (Article 13), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors;

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

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

6. Time Limits

a. Use inauguration:

(1) The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval 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.

(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 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 § 8181-10.4 of the Ventura County Coastal Zoning Ordinance prior to [expiration date]; and

(2) The County decision-maker grants the requested modification.

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The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8181-5.7 of the Ventura County Coastal Zoning Ordinance.

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

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

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

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

Timing: The documentation shall be submitted to the Planning Division prior to the issuance of the Zoning Clearance for use inauguration or as dictated by the respective agency.

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: Prior to issuance of a Zoning Clearance for use inauguration and throughout the life of the Project.

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

9. Recorded Notice of Land Use Entitlement

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

Requirement: The Permittee shall sign, have notarized, and record with the Office of the County Recorder, a “Notice of Land Use Entitlement” form furnished by the Planning Division and the conditions of this CUP, with the deed of the property that is subject to this CUP.

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

Timing: The Permittee shall record the “Notice of Land use Entitlement” form and conditions of this CUP, prior to 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 Coastal Zoning Ordinance (§ 8183-5) related to this CUP. Such condition compliance review, monitoring and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. Pursuant to the requirements of CUP 5177, the Resource Management Agency created Condition Compliance Case No. CC10-0032 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly imposed civil administrative penalties, regarding CUP 5177. The Planning

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Division will continue to use Condition Compliance Case No. CC10-0032 to cover the costs associated with condition compliance review, monitoring, and enforcement activities described in subsection 10.a (above), and any duly imposed civil administrative penalties regarding this CUP.

Within 10 calendar days of the effective date of the final decision approving this CUP the Permittee shall submit a new, updated, and completed reimbursement agreement for Condition Compliance Case No. CC10-0032, 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

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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.

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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

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periodically confirm the contact information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

16. Change of Permittee

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

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

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

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

Monitoring and Reporting: The Planning Division maintains notices submitted by the Permittee in the Project file and has the authority to periodically confirm the information consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

17. Color/Material/Manufacture Specifications

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

Requirement: The Permittee shall:

- a. construct and maintain the exterior surfaces of all buildings and structures of the communication facility using building materials and colors that are compatible with surrounding terrain (e.g., earth tones and non-reflective paints);
- b. provide the manufacturer's specifications and model numbers of all tower, antenna, and ancillary equipment (e.g., batteries, equipment in cabinets, GPS, and antennae) on all development plans;

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

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

Monitoring and Reporting: The Planning Division maintains copies of the approved plans, photo simulations, and materials sample/color board in the Project file. The Permittee shall provide photos of the constructed facility to the Planning Division, or schedule a site inspection with the Planning Division, to verify that the Permittee constructed and painted the facility according to the approved plans, photo simulations, and materials sample/color board. The Planning Division maintains the Permittee's approved plans, photo simulations, materials sample/color board, and (if submitted in lieu of a site inspection) photo documentation in the Project file. The Planning Division has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

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

Purpose: In compliance with § 8181-5.8 of the Ventura County 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

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

19. 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.

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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.

II. Environmental Health Division (EHD) Conditions

20. Hazardous Materials Management

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

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

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