



Planning Director Staff Report Hearing on April 25, 2024

County of Ventura • Resource Management Agency

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T-MOBILE SITE SV00939A MUSSEL SHOALS CONDITIONAL USE PERMIT (CUP) CASE NO. PL22-0157

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a Minor Modification of Conditional Use Permit (CUP) LU12-0055 for the continued use, operation, and maintenance of an existing Wireless Communication Facility (WCF). (Case No. PL22-0157).
2. **Applicant** T-Mobile West Corporation, 4100 Guardian Street, Suite 101, Simi Valley, CA, 93063
3. **Property Owner:** California Department of Transportation (Caltrans) District 7, 100 South Main Street, Los Angeles, CA 90012
4. **Applicant's Representative:** Network Connex, c/o Lynda McClung, 7543 Woodley Avenue, Van Nuys, CA 91406
5. **Decision-Making Authority:** Pursuant to the Ventura County Coastal Zoning Ordinance (CZO) (Section 8174-5 and Section 8181-3 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The project site is located within a County of Ventura Public Works right-of-way along Old Pacific Coast Highway (no assigned address or Assessor's Parcel Number), near 6672 Old Pacific Coast Highway, within the community of Mussel Shoals, in the unincorporated area of Ventura County.
7. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Right of Way
 - b. Coastal Area Plan Land Use Map Designation: Right of Way
 - c. Zoning Designation: Right of Way

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

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	COS-10 ac (Coastal Open Space, 10-acre minimum lot size)	U.S. Highway 101
East	COS-10 ac-sdf (Coastal Open Space, 10-acre minimum lot size, slope density formula)	U.S. Highway 101
South	RB-3,000 sq. ft. (Residential Beach, 3,000 square foot minimum lot size)	Existing Community (Mussel Shoals)
West	COS-10 ac-sdf	U.S. Highway 101

9. History: The existing WCF is located in the developed portion of the Caltrans public right-of-way. The location is developed with existing utility poles.

On July 16, 1998, the Planning Commission approved CUP 5018 for the installation, operation, and maintenance of a WCF for a 10-year time period. This decision was appealed to the Board of Supervisors.

On May 4, 1999, the Board of Supervisors denied the appeal and upheld the Planning Commission approval of CUP 5018. This CUP was allowed to expire without a time extension granted.

On, October 11, 2012, the Planning Commission approved LU12-0055 for the reinstatement of the expired CUP for the continued use, operation, and maintenance of the existing WCF for a 10-year time period. This CUP was set to expire on October 11, 2022.

10. Project Description: The applicant requests that a CUP be granted to authorize the continued use, operation, and maintenance of a Wireless Communication Facility consisting of the following:

- Existing 33-foot, 9-inch utility pole;
- Four, 4-foot-tall antennas on 7-foot double crossarms;
- Three remote radio units (RRU) behind the antennas;
- Four tower mounted amplifiers (TMA) behind the antennas;
- Approx. 69-square-foot lease area with associated ground mounted equipment;
- New faux ivy to screen ground mounted equipment.

The WCF is unmanned, except for occasional periodic maintenance visits, and operates 24 hours a day. Access to the facility is available from Old Pacific Coast Highway, a public, paved road. Water service is not required to operate or maintain the WCF, and no exterior lighting or grading is proposed. No fencing is proposed as part of this project. (Exhibit 3, Site Plans)

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 includes the continued use, operation, and maintenance of an existing WCF. The proposed project qualifies for a Class 1 Categorical Exemption pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

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

C. CONSISTENCY WITH THE GENERAL PLAN AND COASTAL AREA PLAN

The proposed project has been analyzed and determined to be consistent with all applicable General Plan and Coastal Area Plan policies. A consistency analysis which evaluates the project’s consistency with the policies of the General Plan is included as Exhibit 5 of this Staff Report.

D. ZONING ORDINANCE COMPLIANCE

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

Pursuant to the requirements of the Ventura County CZO (Section 8174-4), the proposed use is allowed in the Right of Way with the granting of a CUP. Upon the granting of the CUP, the proposed project will comply with this requirement.

The existing WCF is subject to the special use standards of the Ventura County CZO (Section 8175-5.20). Table 1 lists the applicable special use standards and a description of whether the proposed project complies with the special use standards.

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8175-5.20.3(a), Concealment Elements:</p> <p><i>To minimize visual impacts, the following standards shall apply:</i></p> <p>1. <i>Any facility that is 50 feet or less in height shall be designed as a stealth facility;</i></p>	<p>Yes, the existing WCF is designed as a stealth facility and is located on an existing wood utility pole in the previously denuded public road Right-of-Way.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>2. <i>Whenever technically feasible, any facility that is 51 to 80 feet in height shall be designed as a stealth facility; and</i></p> <p>3. <i>Any facility that exceeds 80 feet in height shall be defined as a non-stealth facility but shall utilize all feasible concealment techniques in the facility design.</i></p> <p><i>Any facility that is not designed as a stealth facility, or any facility that exceeds 80 feet in height, is subject to the requirements of Section 8175-5.20.3(b) below. Technical expert review of propagation diagrams, alternative sites analysis, and the information provided to satisfy each provision in Section 8175-5.20.3(b) below will be required for a wireless communication facility that exceeds 80 feet in height to demonstrate that the height is necessary to meet service coverage needs.</i></p>	
<p>Section 8175-5.20.3(b), Exceptions to Stealth Facilities:</p> <p><i>A non-stealth wireless communication facility shall only be authorized where such a facility is required pursuant to federal law as described in Section 8175-5.20.5. Applications for a non-stealth facility shall include an alternative sites analysis and written and graphic information that demonstrates each of the following:</i></p> <ol style="list-style-type: none"> 1. <i>One or more shorter stealth facilities would be technically infeasible (i.e. the applicant demonstrates that adequate service coverage cannot be met by one or more stealth facilities); and</i> 2. <i>The proposed facility is designed to blend with the environment to the maximum extent feasible (see Section 8175-5.20.3(c)); and</i> 3. <i>A stealth facility consistent with the height limits in Section 8175- 5.20.3(h) would be inconsistent with one or more key provisions of the federal Telecommunications Act (see Section 8175-5.20.5).</i> 	<p>Not Applicable to this facility.</p>
<p>Section 8175-5.20.3(c), Making Wireless Communication Facilities Compatible with the Existing Setting:</p> <p><i>Wireless communication facilities shall be located and designed to be compatible with the existing setting as follows:</i></p> <ol style="list-style-type: none"> 1. <i>Location: To the maximum extent feasible, facilities shall be located in areas where existing topography, vegetation, buildings, or structures effectively screen and/or camouflage the proposed facility;</i> 2. <i>Facility Design: Facilities shall be designed (i.e. size, shape, color, and materials) to blend in with the</i> 	<p>Yes, the location and design were chosen to make the WCF compatible with the existing setting. The design on an existing wood utility pole and location are the least intrusive to close a gap in service coverage in the area.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>existing topography, vegetation, buildings, and structures on the project site as well as its existing setting to the maximum extent feasible; and</i></p> <p>3. <i>Interference with Access and Transportation: Facilities shall not interfere with public access to and along the coast, and shall not alter any method of transportation, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct clear line-of-sight triangles within the public right-of-way.</i></p> <p>4. <i>Military Compatibility: Facilities should be sited and designed for compatibility with military security requirements and frequency spectrum needs to avoid interference with military operations.</i></p>	
<p>Section 8175-5.20.3(d), Siting Criteria:</p> <p><i>The order of priority for siting a wireless communication facility is as follows:</i></p> <ol style="list-style-type: none"> 1. <i>In a “preferred” location pursuant to subsection (e) below; or</i> 2. <i>In a “neutral” location, which is defined as a site that is not identified as a “preferred”, “non-preferred” or “restricted” location; or</i> 3. <i>In a “non-preferred” location pursuant to subsection (f) below; or</i> 4. <i>In a “restricted” location pursuant to subsection (g) below.</i> <p><i>With the exception of a “preferred” location, the applicant shall demonstrate, based on substantial evidence provided by an alternative sites analysis (see Section 8175.20.10(j), that all higher priority locations are infeasible. In a restricted location, technical expert review of propagation diagrams, alternative sites analysis, and other information will be required for a wireless communication facility to demonstrate that the proposed facility is necessary to meet service coverage needs (see Section 8175-5.20.5.1).</i></p>	<p>Yes, the existing facility is location in a “preferred” location on an existing wood utility pole in the public road Right-of-Way.</p>
<p>Section 8175-5.20.3(e), Preferred Locations:</p> <p><i>The following sites are defined as “preferred” locations:</i></p> <ol style="list-style-type: none"> 1. <i>Collocated on an existing wireless communication facility with adequate height and structure to accommodate additional wireless communication facilities (see Section 8175-5.20.6), with the exception</i> 	<p>Yes, this existing facility is collocated on an existing wood utility pole within the CalTrans public road Right-of-Way. The Right-of-Way has previously been developed with utility poles and the location of the WCF is considered a preferred location. There are additional WCF’s located</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>of locations where a collocated facility would degrade the visual quality of the area.</i></p> <ol style="list-style-type: none"> 2. <i>Flush-mounted on an existing structure, pole, or building when located in the COS, CA and CM zones.</i> 3. <i>Within the public road rights-of-way along existing developed roadways and mounted on existing overhead utility facilities, streetlight poles, or traffic signals, with the exception of facilities located on scenic or eligible scenic highways.</i> 4. <i>In locations where the existing setting includes features of sufficient height and mass to effectively conceal the wireless communication facility, such as settings where the facility can be concealed in an existing building or nestled within an existing grove of trees.</i> 5. <i>Located within, contiguous with, or in close proximity to existing wireless communication facilities, provided that the clustered facilities will be more protective of coastal resources when compared to a non-clustered facility configuration.</i> 	<p>on additional wood utility poles and similar structures in the area.</p>
<p>Section 8175-5.20.3(f), Non-Preferred Locations:</p> <p><i>The following sites are defined as “nonpreferred” locations:</i></p> <ol style="list-style-type: none"> 1. <i>On a ridge where the facility is not a silhouette from public viewing areas.</i> 2. <i>On a structure, site or in a district designated as a local, state, or federal historical landmark (see Section 8175-5.20.3(k)).</i> 3. <i>On slopes greater than 20 percent;</i> 	<p>Not applicable.</p>
<p>Section 8175-5.20.3(g), Restricted Locations:</p> <p><i>The following sites are defined as “restricted” locations:</i></p> <ol style="list-style-type: none"> 1. <i>Within an ESHA or within an ESHA buffer zone (see Section 8175- 5.20.3(m)), except where a wireless communication facility is allowed within a developed public road right-of-way in a location that is also within an ESHA buffer zone, and then it may be processed as a preferred location pursuant to subsection (e) above, provided that no extension of fuel modification into ESHA results from the facility.</i> 2. <i>On lots between the mean high tide line and the first public road parallel to the sea, with the exception of building-concealed facilities.</i> 	<p>Not applicable.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>3. On a ridgetop or a ridge where the facility is a silhouette from public viewing areas.</p>	
<p>Section 8175-5.20.3(h)(3), Height:</p> <p><i>A wireless communication facility may be flush-mounted on a building or other structure pursuant to the following standards:</i></p> <ul style="list-style-type: none"> a) <i>Shall be designed as a stealth facility and shall be compatible with the architectural style, color, texture, façade, and materials of the structure. Panel antennas shall not interrupt architectural lines of building façades, including the length and width of the portion of the façade on which it is mounted. Mounting brackets, pipes, and coaxial cable shall be screened from view.</i> b) <i>Any light pole, utility pole, or traffic signal with a flush-mounted wireless communication facility must exhibit a similar appearance to existing local light poles, utility poles, and traffic signals.</i> c) <i>Should be attached to a vertical surface. However, when flushmounting is infeasible, the facility may be mounted atop a light pole, atop a traffic signal pole, or hung from a utility pole on a horizontal antenna mount. Panel antennas shall be mounted no more than 18 inches from building surfaces or poles, and shall appear as an integral part of the structure. Panel antennas may be mounted a greater distance than 18 inches from lattice towers, utility poles, and other industrial structures provided that concealment elements are not defeated (see above Section 8175-5.20.3(j)).</i> d) <i>Associated equipment for the antenna is located inside an existing building, on a rooftop, underground, at the ground level, or on a pole other than a slim-line pole.</i> 	<p>Yes, the WCF is mounted to an existing utility pole, flush-mounted and is designed in a similar appearance to existing local utility poles.</p>
<p>Section 8175-5.20.3(i), Historical Landmarks/Sites of Merit:</p> <p><i>A wireless communication facility shall not be constructed, placed, or installed on a structure, site or district designated by a federal, state, or County agency as an historical landmark or site of merit unless that facility is designed to meet the Secretary of the Interior’s (SOI) Standards. If the facility does not meet these standards, then the Cultural Heritage Board must determine that the proposed facility will have no significant, adverse effect on the historical resource.</i></p>	<p>Not applicable.</p>
<p>Section 8175-5.20.3(m), Environmentally Sensitive Habitat Areas:</p> <p><i>All wireless communication facilities and their accessory equipment in environmentally sensitive habitat areas shall be sited, designed, and conditioned as follows:</i></p>	<p>Not applicable.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<ol style="list-style-type: none"> 1. <i>The placement of facilities within ESHA or an ESHA buffer zone shall be restricted (see restricted location regulations in Section 8175-5.20.3(g)).</i> 2. <i>The facility shall be designed to minimize the size of the footprint and removal of vegetation, including all associated development and required fuel modification.</i> 3. <i>Where feasible, the facility shall be located in an existing, legally disturbed area.</i> 4. <i>Wireless communication facilities shall have daytime visual markers on guy wires to prevent collisions by birds.</i> 5. <i>All impacts on ESHA due to the development of wireless communication facilities shall be mitigated.</i> 	
<p>Section 8175-5.20.3(n), Ridgelines:</p> <p><i>All wireless communication facilities and associated accessory equipment on ridgelines shall be sited, designed, and conditioned as follows:</i></p> <ol style="list-style-type: none"> 1. <i>The placement of facilities on a ridgetop, or on a ridge where the facility is a silhouette above the ridgeline, shall be restricted (see restricted location regulations in Section 8175-5.20.3(g)).</i> 2. <i>The placement of facilities on a ridge where the facility is not located on the ridgetop and is not a silhouette shall be avoided (see non-preferred location regulations in Section 8175-5.20.3(f)).</i> 3. <i>Where a wireless communication facility is allowable on or along a ridgeline, the feasible alternative with the fewest and least significant impacts on Coastal resources shall be selected and all impacts shall be fully mitigated</i> 4. <i>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 stealth slim-line poles or whip antennas) that blend in with the surrounding vegetation.</i> 	<p>Not applicable.</p>
<p>Section 8175-5.20.3(o), Public Viewing Areas:</p>	<p>Yes, the existing WCF is located on a replacement utility pole in the Caltrans right-of-way. The location on</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>Wireless communication facilities that are prominently visible from public viewing areas, including a designated or eligible scenic highway shall be sited, designed, and conditioned to achieve the following:</i></p> <ol style="list-style-type: none"> 1. <i>Minimize visibility from public viewing areas by reducing mass and height or by siting the facility away from public viewing areas.</i> 2. <i>Minimize grading, landform alteration, and clearance of vegetation.</i> 	<p>an existing utility pole minimizes the visibility from public viewing areas. There is no proposed grading or clearance of vegetation proposed with this time extension. Minor modifications to the ground mounted equipment and added faux landscaping will help reduce the visual impact on the surrounding community.</p>
<p>Section 8175-5.20.3(p), Accessory Equipment:</p> <p><i>All accessory equipment associated with the operation of a wireless communication facility shall be incorporated within existing structures, located underground, or placed at ground-level and screened to prevent the facility from being prominently visible from a public viewing area to the maximum extent feasible. If such locations are not feasible, then accessory equipment may be located on a utility pole or other structure, provided that the equipment meets the following standards:</i></p> <ol style="list-style-type: none"> 1. <i>The battery cabinet, amplifiers, microwave antennas, and equipment mounts shall be designed or painted to match the color of the support structure;</i> 2. <i>The battery cabinets shall be located within three feet of the ground surface unless this placement would impede access pursuant to the Americans with Disabilities Act; and</i> 3. <i>Cables shall be installed within steel poles when feasible. External cables shall be taut and loops of cable shall not be exposed.</i> 	<p>Yes, all accessory equipment is attached to the wood utility pole and painted brown to match. There are no battery cabinets or visible cables associated with this facility.</p>
<p>Section 8175-5.20.3(q), Colors and Materials:</p> <p><i>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</i></p>	<p>Yes, the colors and materials used for the facility match the color of the existing utility pole and similar structures in the immediate area. The ground mounted equipment will be painted green and faux ivy installed surrounding the equipment.</p>
<p>Section 8175-5.20.3(r), Landscaping for Screening:</p> <p><i>If landscaping is used to screen a facility, the following standards apply:</i></p> <ol style="list-style-type: none"> 1. <i>The permittee shall plant, irrigate and maintain drought-tolerant landscaping during the life of the permit when such vegetation is deemed necessary to screen the wireless communication facility from being prominently visible from a public viewing area.</i> 	<p>Not applicable.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<ol style="list-style-type: none"> 2. <i>New landscaping of a sufficient height and density shall be planted to provide the desired effect within three (3) years of growth. Landscaping trees shall be planted at a sufficient height to reach 75 percent of the faux tree’s height within five (5) years of growth.</i> 3. <i>If there are no existing trees within the surrounding area of a faux tree (i.e., within approximately a 150-foot radius of the proposed facility location), the vicinity of the facility shall be landscaped with newly planted native, or non-invasive trees (see Section 8178-8.4.1.2). The trees should be compatible with the faux tree design.</i> 4. <i>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.</i> 	
<p>Section 8175-5.20.3(s), Security:</p> <ol style="list-style-type: none"> 1. <i>Each wireless communication facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anticlimbing devices, or other techniques to prevent unauthorized access and vandalism. All security measures shall be evaluated as part of the wireless communication facility permit and shall be sited and designed in a manner that is most protective of coastal resources.</i> 2. <i>All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited except where the chain link fence is not visible from a public viewing area.</i> 	Not applicable.
<p>Section 8175-5.20.3(t), Lighting:</p> <ol style="list-style-type: none"> 1. <i>Any necessary security lighting shall be down shielded and controlled using motion sensors to minimize glare and light directed at adjacent properties or environmentally sensitive habitats areas (see also Section 8178-2.6.15 for additional regulations for outdoor lighting in ESHA and buffer zone). (AM.ORD.4586-10/19/21)</i> 2. <i>Other types of illumination may be permitted when required by the Federal Aviation Administration (FAA).</i> 3. <i>Wireless communication facilities greater than 200 feet in height shall not exceed FAA standards for pilot</i> 	Yes, no lighting is included as part of the WCF.

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>warning and obstruction avoidance lighting. If such a facility is located within the Santa Monica Mountains (M) Overlay zone, see Section 8177-4.1.11.5 (j) for additional lighting requirements. (AM.ORD.4586-10/19/21)</i></p>	
<p>Section 8175-5.20.3(u) Signage:</p> <p><i>A permanent, weather-proof identification sign, subject to the sign regulations in Section 8175-5.13, shall be displayed at eye level in a prominent location and shall be directly attached to the facility, on any utility pole which the facility is mounted, or on the gate or fence surrounding the wireless communication facility. The sign must identify the current facility operator(s), provide the operator’s address, and specify a local or toll-free 24- hour telephone number at which the operator can be reached for response to a maintenance issue or during an emergency.</i></p>	<p>Yes, required signage is attached to the ground mounted equipment.</p>
<p>Section 8175-5.20.3(v), Access Roads:</p> <p><i>Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</i></p> <p><i>When the construction of a new access road cannot be avoided, the road shall be sited in a manner that is most protective of coastal resources and shall only be approved when consistent with all other policies and provisions of the LCP.</i></p>	<p>Yes, the facility is accessible by existing public paved roadways.</p>
<p>Section 8175-5.20.4(a)(1), Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way:</p> <p><i>The preferred type of stealth facility is a flush-mounted wireless communication facility on an existing pole(s) (see height standards listed in Sec. 8175-5.20.3(h)(4)(e) and other standards in Sec. 8175-5.20.3(k)(3)).</i></p>	<p>Yes, the existing WCF is a preferred type of stealth facility and is mounted on an existing utility pole.</p>
<p>Section 8175-5.20.4(a)(2), Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way:</p> <p><i>In order to minimize impacts to scenic resources, facility size should be minimized, and physically smaller facilities should be selected over larger facilities when both options provide adequate coverage.</i></p>	<p>Yes, the existing WCF is the smallest facility possible to close the gap in service coverage while meeting the clearance requirements.</p>
<p>Section 8175-5.20.4(a)(3), Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way:</p> <p><i>Facility height shall be minimized, and the height of ground-mounted, wireless communication facilities shall be limited to the minimum height necessary to provide adequate service or</i></p>	<p>Yes, the existing WCF is the smallest facility possible to close the gap in service coverage while meeting the clearance requirements.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p><i>coverage, or the height standards listed in Section 8175-5.20.3(h), whichever is less;</i></p>	
<p>Section 8175-5.20.4(a)(4), Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way:</p> <p><i>Antenna shall be screened by radio frequency transparent materials, vegetation, existing signs or other elements within the existing setting, unless the screening would substantially increase the visual profile of the antenna or the support structure;</i></p>	<p>Yes, the existing WCF is mounted on an existing wood utility pole in the ROW and the addition of screening elements to the antennas would substantially increase the visual profile of the antennas and support structure. The ground mounted equipment will be painted green to match the existing vegetation in the area and surrounded by faux landscaping to minimize the visual appearance to nearby residents.</p>
<p>Section 8175-5.20.4(a)(5), Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way:</p> <p><i>Equipment boxes or cabinets shall be ground-mounted or located underground within the parkway segment of the public right-of-way, except when such locations would conflict with existing utilities, would conflict with Caltrans freeway on and off-ramps, or result in the removal of ESHA. In such cases, the equipment box or cabinet shall be mounted behind a sign or within an existing structure. Equipment boxes or cabinets also may be mounted on a structure, such as a utility pole, under the following circumstances: (a) the roadway is not identified as an eligible scenic highway, and (b) substantial evidence exists that mounting the equipment on the support structure will not result in visual impacts. Equipment boxes shall be mounted on the existing support structure (e.g., utility pole) pursuant to the standards in Section 8175-5.20.3(p).</i></p>	<p>Yes, the proposed equipment boxes and cabinets are ground mounted within the parkway segment of the right-of-way. The minor modification of the site will add faux landscaping to surround the equipment area to help screen the facility from the nearby community.</p>
<p>Section 8175-5.20.4(a)(6), Development Standards for Wireless Communication Facilities Located in the Public Rights-of-Way:</p> <p><i>The wireless communication facility shall not interfere with public access to and along the coastline, or with the operation of any transportation facility, conflict with requirements of the Americans with Disabilities Act, block or reduce coastal access, or obstruct visibility within the public right-of-way.</i></p>	<p>Yes, the existing WCF will not interfere with public access to and along the coastline. The WCF will not conflict with any transportation facility or ADA requirements. The location will not block or reduce coastal access or obstruct visibility within the right-of-way.</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 Section D and Exhibit 5 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 is located on an existing utility pole, located on the east side of Old Pacific Coast Highway. The public right-of-way was established for the conveyance of public utilities, including WCFs. The proposed project will not significantly alter the appearance of the project site or the character of the land uses in the area.

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].

The existing WCF is compatible with the existing and planned land uses in the general area. The location is within the California Department of Transportation Public Right-of-Way with similar structures located in the general area. The minor modification to the facility will enhance the visual aspect of the ground mounted equipment to better screen the facility from offsite viewpoints.

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

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

The proposed project involves the continued use of an existing WCF and associated equipment. The only upgrade proposed with this project is new faux ivy screening to screen the ground mounted equipment from public viewpoints. Given the project site's distance from the coast, the proposed project does not include any new physical development that would interfere with beach uses or surrounding residential uses on other properties located within the vicinity of the subject property. Finally, as discussed in Section D of this staff report (above), the

proposed project will comply with the maximum building height, front, and rear setbacks of the for WCFs in the Right of Way. Therefore, the proposed project will not be obnoxious or harmful, or impair the utility of neighboring properties or uses. No adverse effect on neighboring properties or ongoing uses has been identified that would result from the proposed project. Implementation of the conditions of approval (Exhibit 4) will ensure the compatibility of the project with the ongoing uses in the vicinity.

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

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

The proposed project for the minor modification and continued use of the WCF will not expand the existing use of the project site. No adverse effect of the proposed project on the environment or on the use of the adjacent properties has been identified. Therefore, the proposed project will not be detrimental to the public interest, health, safety, convenience, or welfare.

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 CZO (Section 8181-6.2 et seq.). On April 12, 2024, the Planning Division mailed notice to owners of property within 300 feet and residents within 100 feet of the property on which the project site is located. On April 12, 2024, the Planning Division placed a legal ad in the *Ventura County Star*.

G. RECOMMENDED ACTIONS

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

1. **CERTIFY** that the Planning Director has reviewed and considered this staff report and all exhibits thereto and has considered all comments received during the public comment process;
2. **FIND** that this project is categorically exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines;
3. **MAKE** the required findings to grant a CUP pursuant to Section 8181-3.5 of the Ventura County CZO, based on the substantial evidence presented in Section E of this staff report and the entire record;

4. **GRANT** CUP Case No. PL22-0157, 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.

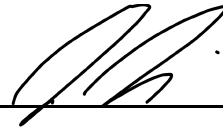
If you have any questions concerning the information presented above, please contact Thomas Chaffee at (805) 654-2406 or Thomas.Chaffee@ventura.org.

Prepared by:

Thomas Chaffee

Thomas Chaffee, Case Planner
Commercial/Industrial Permits Section
Ventura County Planning Division

Reviewed by:



John Novi
Commercial/Industrial Permits Manager
Ventura County Planning Division

EXHIBITS:

- | | |
|-----------|-----------------------------------|
| Exhibit 2 | Maps |
| Exhibit 3 | Site Plans |
| Exhibit 4 | Conditions of Approval |
| Exhibit 5 | General Plan Consistency Analysis |
| Exhibit 6 | Photo Simulations |



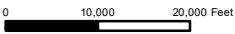
Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map created on 04-01-2024



County of Ventura
 Planning Director Hearing
 Case No. PL22 - 0157
 Exhibit 2 - Maps



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does not warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.





Ventura County, California
Resource Management Agency
GIS Development & Mapping Services
Map Created on 04-01-2024
Source: Voxel .2021



County of Ventura
Planning Director Hearing
Selected Area
Aerial Photography



Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.





Legend

PL22-0175

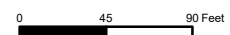
- Selected Area
- General Plan
- Area Plans
- Zone Designation



Ventura County, California
 Resource Management Agency
 GIS Development & Mapping Services
 Map Created on 04-01-2024
 This aerial imagery is under the
 copyrights of Pictometry
 Source: Pictometry, 2019



**County of Ventura
 Planning Director Hearing
 Selected Area
 PL22-0157
 General Plan & Zoning Map**

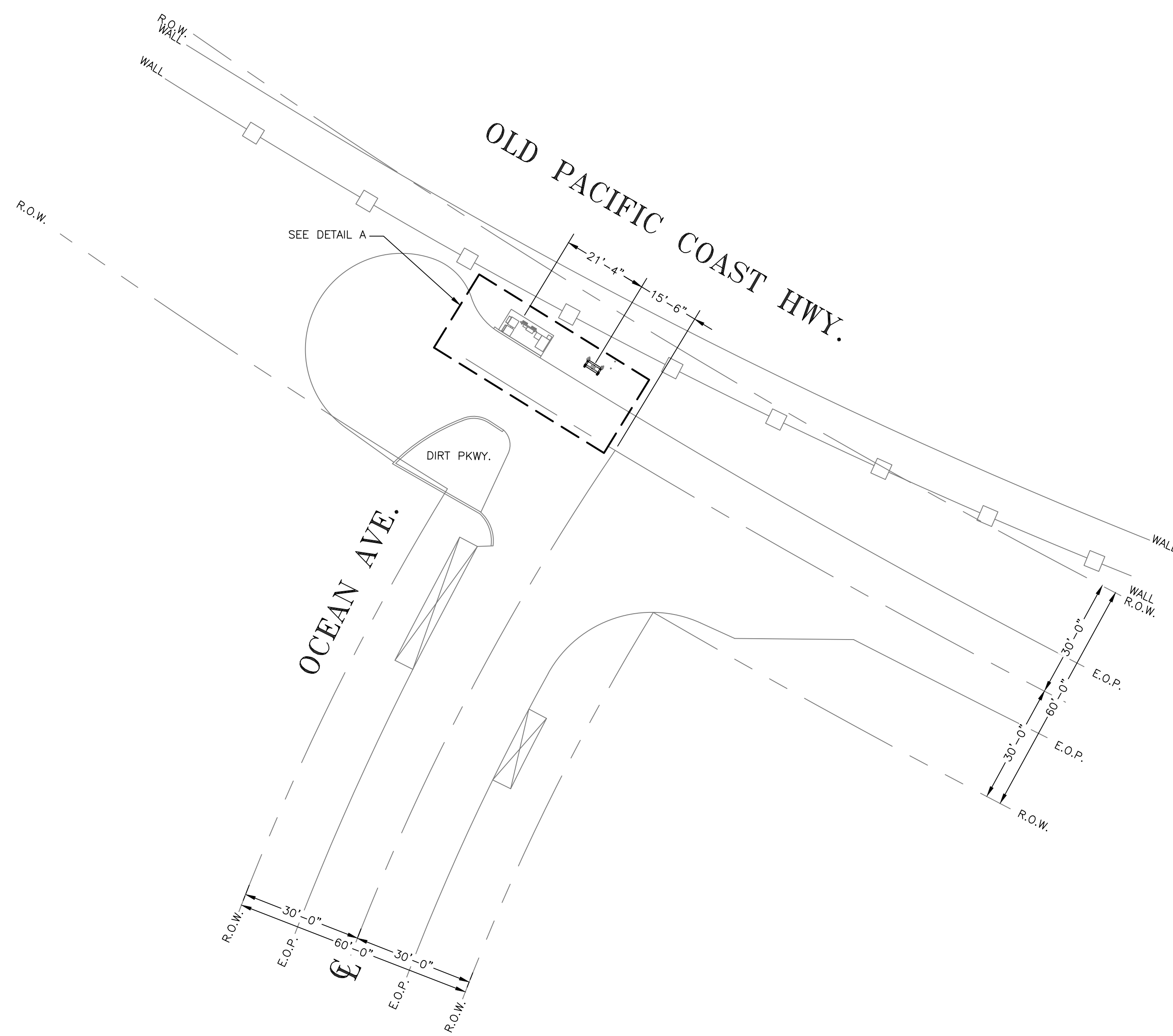


Disclaimer: This Map was created by the Ventura County Resource Management Agency, Mapping Services - GIS which is designed and operated solely for the convenience of the County and related public agencies. The County does no warrant the accuracy of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.



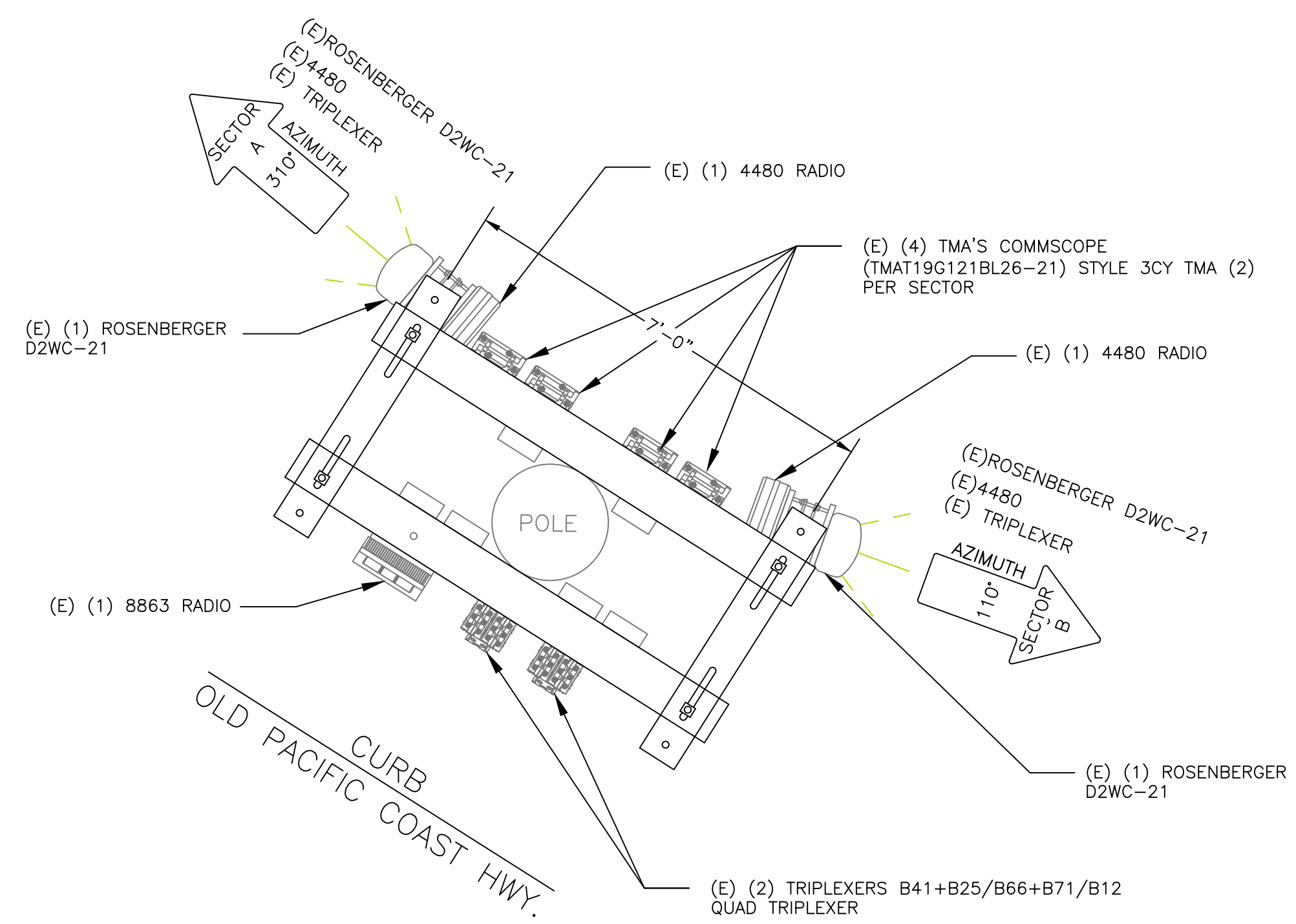
PLACEMENT AND CONSTRUCTION DATA

1 CONTINUED USE OF THE EXISTING T-MOBILE WIRELESS TELECOMMUNICATIONS FACILITY AND RENEWAL OF THE CONDITIONAL USE PERMIT

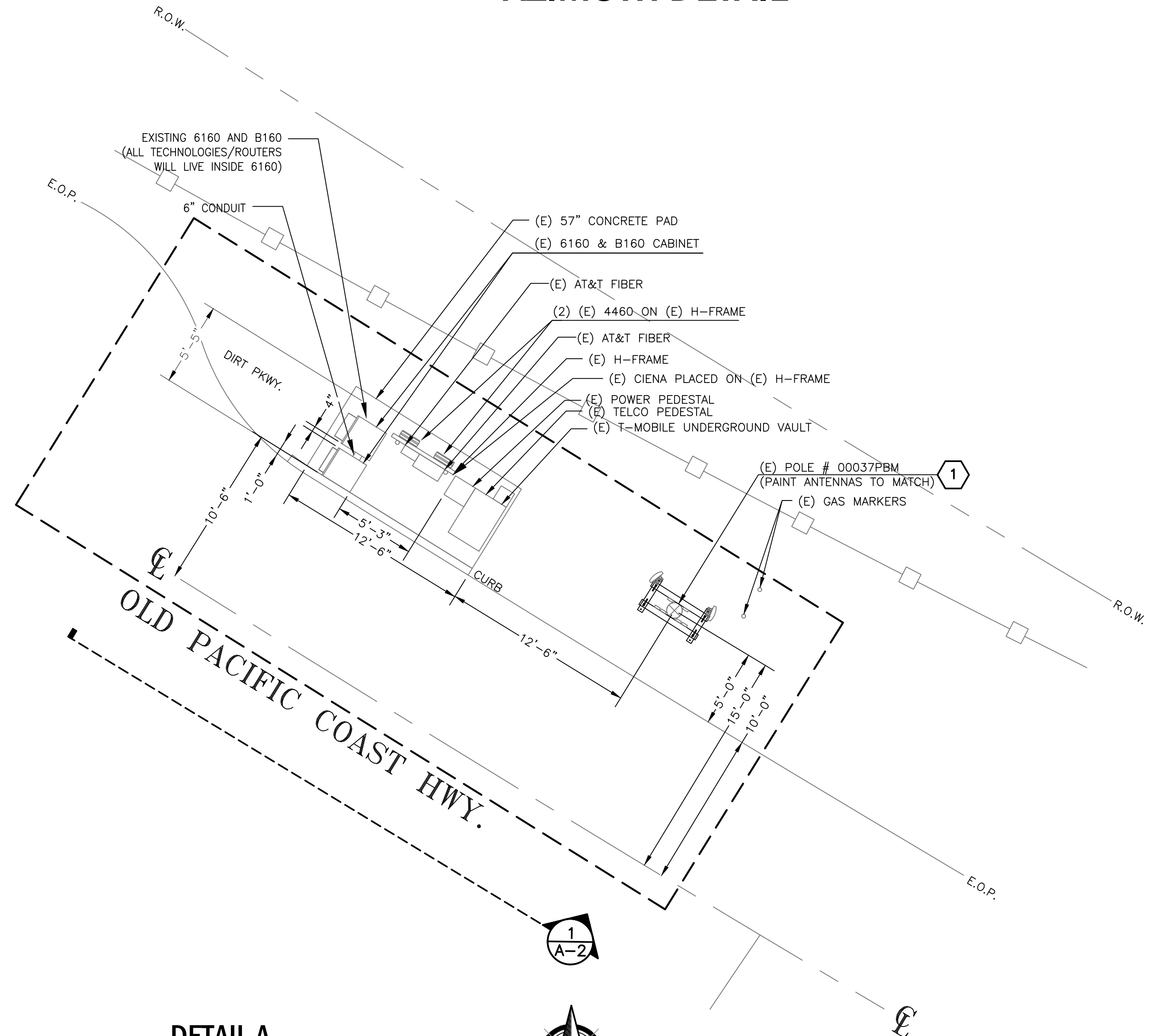


SITE PLAN

SCALE 1" = 20'

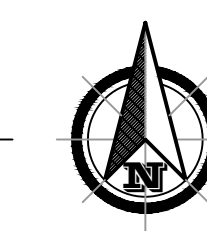


AZIMUTH DETAIL



DETAIL A

SCALE 3/16" = 1'



888 S. Oak Rd., #100, Covina, CA 91724
Office: (818) 840-8868 Fax: (818) 840-0708

DATE: 09-16-22
ENGINEER DATE: 09-16-22
DRAFTED BY: R.M.

NO.: 1 DATE: 09-16-22 BY: R.M.
90% ZD
2 10-07-22 R.M.
100% ZD

3
4
5
6
7

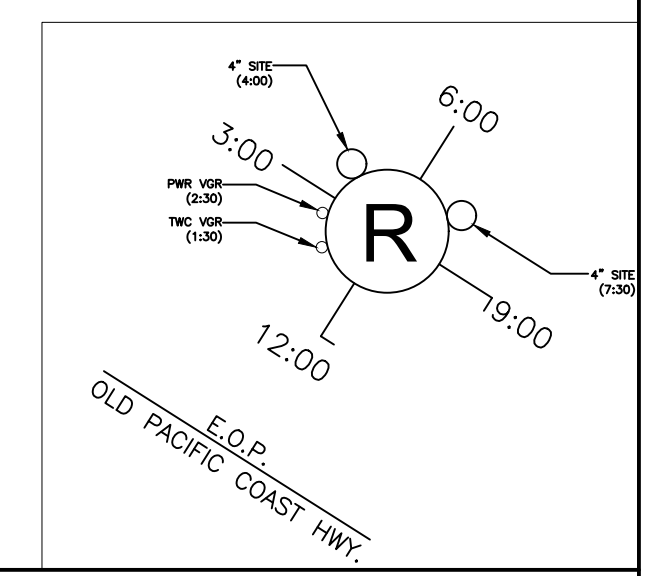
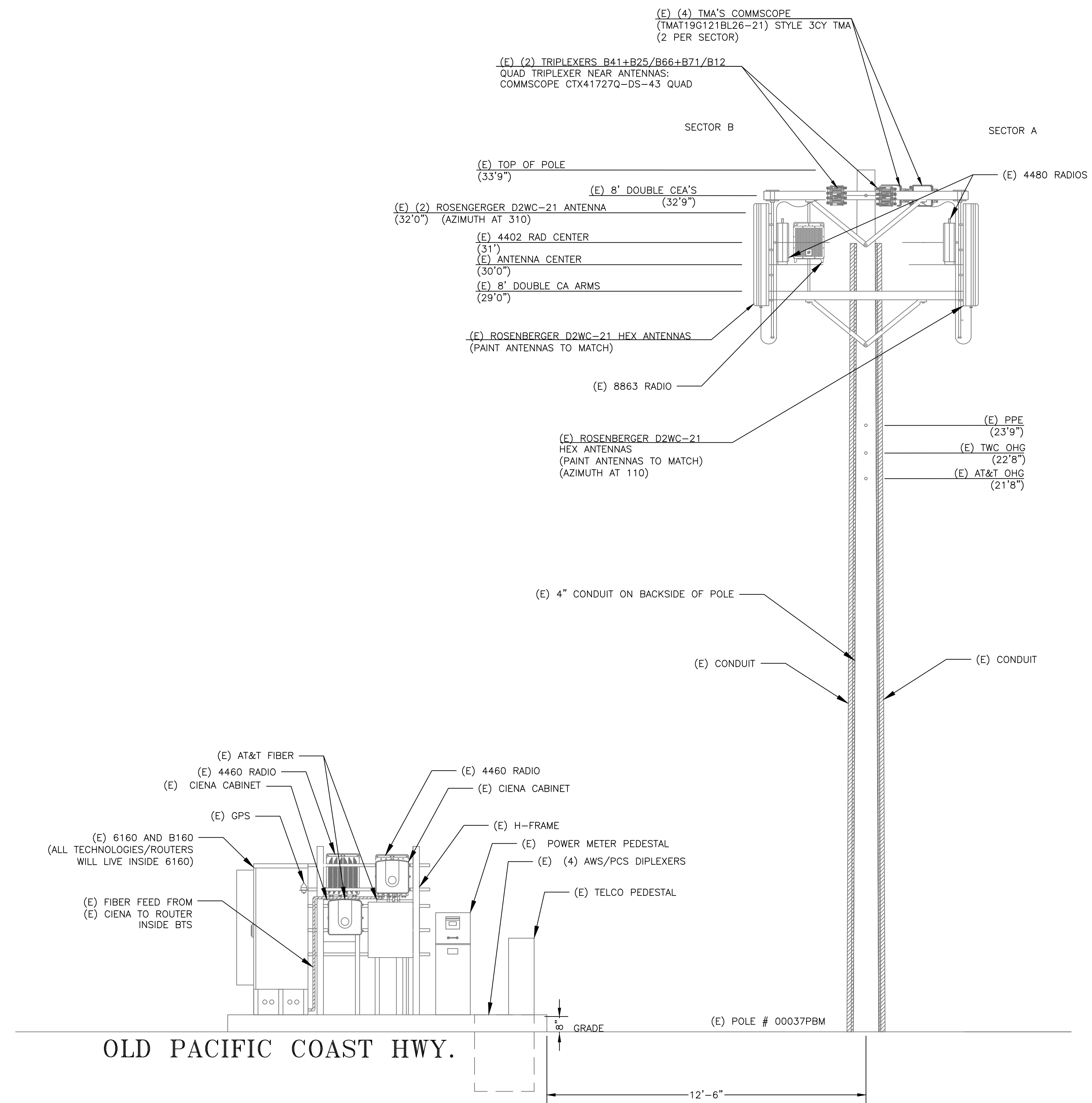
SITE INFORMATION:
SV00939A
CUP RENEWAL
6672 OLD PACIFIC COAST HWY.,
VENTURA, CA. 93001

STAMP:

SHEET TITLE: **SITE PLAN & DETAILS**

SHEET NUMBER: **A-1**

NOTE:
 ANTENNAS, RADIOS, AND TMA'S ARE PAINTED TO MATCH THE WOOD POLE.
 CONDUITS WILL BE PAINTED TO MATCH THE WOOD POLE. FAUX MESH ON NORTH
 AND EAST SIDES OF EQUIPMENT PAD, EXISTING GROUND EQUIPMENT TO BE
 COVERED WITH GREEN BUSH WRAP



1 EXISTING ELEVATION LOOKING NORTH

SCALE: 3/8"=1'



888 S. Oak Rd., #100, Covina, CA 91724
 Office: (818) 840-8868 Fax: (818) 840-0708

DATE: 09-16-22
 ENGINEER DATE: 09-16-22
 DRAFTED BY: R.M.

NO.	DATE	BY
1	09-16-22	R.M.
		90% ZD
2	10-07-22	R.M.
		100% ZD

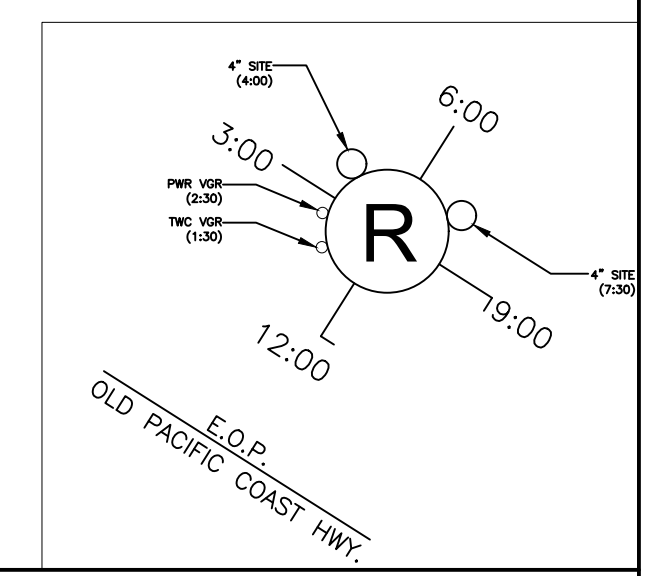
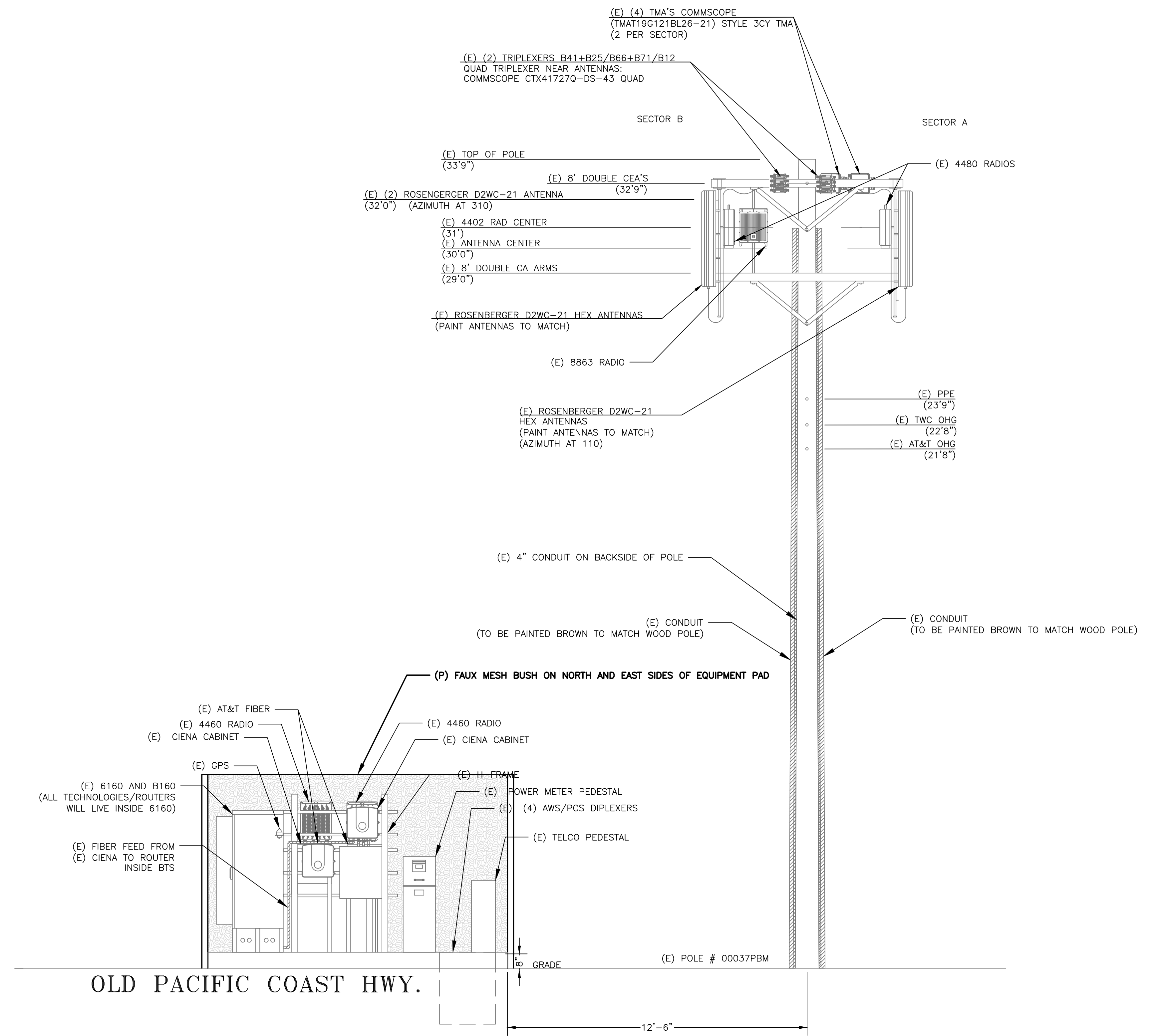
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SITE INFORMATION:
SV00939A
CUP RENEWAL
 6672 OLD PACIFIC COAST HWY.,
 VENTURA, CA. 93001

STAMP:

SHEET TITLE: **SITE ELEVATION**
 SHEET NUMBER:

NOTE:
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 CONDUITS WILL BE PAINTED TO MATCH THE WOOD POLE. FAUX MESH ON NORTH
 AND EAST SIDES OF EQUIPMENT PAD, EXISTING GROUND EQUIPMENT TO BE
 COVERED WITH GREEN BUSH WRAP



1 PROPOSED ELEVATION LOOKING NORTH

SCALE: 3/8"=1'



888 S. Oak Rd., #100, Covina, CA 91724
 Office: (818) 840-8868 Fax: (818) 840-0708

DATE: 09-16-22
 ENGINEER DATE: 09-16-22
 DRAFTED BY: R.M.

NO.:	DATE:	BY:
1	09-16-22	R.M.
		90% ZD
2	10-07-22	R.M.
		100% ZD

3
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SITE INFORMATION:
SV00939A
CUP RENEWAL
 6672 OLD PACIFIC COAST HWY.,
 VENTURA, CA. 93001

STAMP:

SHEET TITLE: **SITE ELEVATION**
 SHEET NUMBER:

A-3

EXHIBIT 4

DRAFT CONDITIONS OF APPROVAL FOR T-MOBILE COMMUNICATION FACILITY CONDITIONAL USE PERMIT (CUP), CASE NO. PL22-0157

RESOURCE MANAGEMENT AGENCY (RMA) CONDITIONS

Planning Division

1. Project Description

This Conditional Use Permit (CUP) is based on, and limited to, compliance with the project description stated in this condition, Exhibits 2-6 of the Planning Director hearing on April 25, 2024, and the remaining conditions of approval set forth below. Together, these conditions and documents describe the "Project."

The County must first review any deviations from the Project to determine if they conform to the conditions of approval of CUP PL22-0157. Project deviations may require a modification of this permit and further environmental review pursuant to the California Environmental Quality Act (CEQA). Any deviation from the Project that is implemented without the required County approval constitutes a violation of this permit and applicable law.

The Project description is as follows:

This permit authorizes the continued use, operation, and maintenance of a wireless communication facility (WCF) for a 10-year time period. The facility is comprised of the following:

- Existing 33-foot, 9-inch utility pole;
- Four, 4-foot-tall antennas on 7-foot double crossarms;
- Three remote radio units (RRU) behind the antennas;
- Four tower mounted amplifiers (TMA) behind the antennas;
- Approx. 69-square-foot lease area with associated ground mounted equipment;
- New faux ivy to screen ground mounted equipment.

The WCF will be unmanned, except for occasional periodic maintenance visits, and will operate 24 hours a day. Access to the facility is available from Old Pacific Coast Highway, a public, paved road. Water service is not required to operate or maintain the proposed project, and no exterior lighting or grading is proposed. No fencing is proposed as part of this project.

County of Ventura Planning Director Hearing Case No. PL22 - 0157 Exhibit 4 - Conditions of Approval

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

2. Site Maintenance

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

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

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

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

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

3. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity 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.
- b. Environmental review, as required pursuant to the California Environmental Quality Act (CEQA; California Public Resources Code, §§ 21000-21178) and the State CEQA Guidelines (California Code of Regulations, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

4. Construction Activities

Prior to any construction, the Permittee shall obtain a Zoning Clearance for Construction from the Planning Division, and a Building Permit from the Building and Safety Division.

5. 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 for the granting of this CUP shall constitute grounds for enforcement action provided in the Ventura County Coastal Zoning Ordinance (Article 13), which shall include, but is not limited to, the following:

- a. Public reporting of violations to the Planning Commission and/or Board of Supervisors
- b. Suspension of the permitted land uses (Condition No. 1)
- c. Modification of the CUP conditions listed herein
- d. Recordation of a "Notice of Noncompliance" on the deed to the subject property
- e. The imposition of civil administrative penalties
- 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. Zoning Clearance for Use Inauguration:

- (1) At the conclusion of the local appeal period set forth in the Ventura County Coastal Zoning Ordinance (§ 8181-9.2), or following a final decision on a filed appeal, the Planning Division shall send a Notice of Final Decision to the California Coastal Commission (CCC). The CCC may set another appeal period pursuant to terms and conditions set forth in the California Coastal Act (Pub. Res. Code, § 30000 et seq.). Following the expiration of the CCC's appeal period, and if no appeals are filed, the decision regarding this Coastal PD Permit will be considered "effective." Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration to initiate the development 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 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 all 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 TBD. 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 April XX, 2034.

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

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

7. Documentation of 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 the Planning Division 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 Construction or as dictated by the respective agency.

Monitoring and Reporting: The Planning Division shall maintain the documentation provided by the Permittee in the respective project file. If 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

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 regularly dealing with the daily operation of the proposed activities, 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 Construction and throughout the life of the Project.

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

9. Recordation of 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 Property Owner 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 for 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 Construction.

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

10. Financial Responsibility for Compliance Monitoring and Enforcement

a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the Ventura County Coastal Zoning Ordinance (§ 8183-5) related to this CUP. Such condition compliance review, monitoring, and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.

b. **Establishment of Revolving Compliance Account:**

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

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

penalties, subject to the Permittee's right to challenge all such charges and penalties prior to payment.

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

11. Defense and Indemnification

- a. The Permittee shall defend, at the Permittee's sole expense with legal counsel acceptable to the County, against any and all claims, actions, or proceedings against the County, any other public agency with a governing body consisting of the members of the County Board of Supervisors, or any of their respective board members, officials, employees and agents (collectively, "Indemnified Parties") arising out of or in any way related to the County's issuance, administration, or enforcement of this CUP. The County shall promptly notify the Permittee of any such claim, action or proceeding and shall cooperate fully in the defense.
- b. The Permittee shall also indemnify and hold harmless the Indemnified Parties from and against any and all losses, damages, awards, fines, expenses, penalties, judgments, settlements, or liabilities of whatever nature, including but not limited to court costs and attorney fees (collectively, "Liabilities"), arising out of or in any way related to any claim, action or proceeding subject to subpart (a) above, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties.
- c. Except with respect to claims, actions, proceedings, and Liabilities resulting from an Indemnified Party's sole active negligence or intentional misconduct, the Permittee shall also indemnify, defend (at Permittee's sole expense with legal counsel acceptable to County), and hold harmless the Indemnified Parties from and against any and all claims, actions, proceedings, and Liabilities arising out of, or in any way related to, the construction, maintenance, land use, or operations conducted pursuant to this CUP, regardless of how a court apportions any such Liabilities as between the Permittee, the County, and/or third parties. The County shall promptly notify the Permittee of any such claim, action, or proceeding and shall cooperate fully in the defense.
- d. Neither the issuance of this CUP, nor compliance with the conditions hereof, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of this CUP serve

to impose any liability upon the Indemnified Parties for injury or damage to persons or property.

12. Invalidation of Condition(s)

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

If a court of competent jurisdiction invalidates any condition in whole or in part, and the invalidation would change the findings, and/or the mitigation measures associated with the approval of this CUP, at the discretion of the Planning Director, the Planning Director may review the project and impose substitute feasible conditions/mitigation measures to adequately address the subject matter of the invalidated condition. The Planning Director shall make the determination of adequacy. If the Planning Director cannot identify substitute, feasible conditions/mitigation measures to replace the invalidated condition and cannot identify overriding considerations for any 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 may 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. 10 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 Permits

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 conflicts 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 and maintain a business tax certificate for the operation of the wireless communications facility.

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. The designated contact person shall be available, via telecommunication, 24 hours a day.

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

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

16. Resolution of Complaints

The following process shall be used to resolve complaints related to the Project:

- a. The Permittee shall post the telephone number for the designated Contact Person as identified pursuant to Condition No. 15 in a visible location on the site. The Contact Person shall be available via telephone on a 24-hour basis. Persons with concerns about a use as it is occurring may directly contact the Contact Person.
- b. If County staff receives a written complaint about the Project, Planning Division staff may contact the Permittee's Contact Person or the Permittee to request information regarding the alleged violation.
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this CUP is confirmed, County staff may initiate enforcement actions pursuant to § 8183-5 of the Ventura County Coastal Zoning Ordinance.

17. 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, 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 CUP area.

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 the request.

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

18. 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 name(s), address(es), telephone 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 and Property Owner'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) 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 shall maintain 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.

19. 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 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.
- 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 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 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.

20. Construction Noise

Purpose: In order for this project to comply with the Ventura County General Plan Goals, Policies and Programs Noise Policy 2.16.2-1(5) and the County of Ventura Construction Noise Threshold Criteria and Control Plan (Amended 2010).

Requirement: The Permittee shall limit construction activity for site preparation and development to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and from 9:00 a.m. to 7:00 p.m. Saturday, Sunday, and State holidays. Construction equipment maintenance shall be limited to the same hours. Non-noise generating construction activities, such as interior painting, is not subject to these restrictions.

Documentation: The Permittee shall post a sign stating these restrictions in a conspicuous location on the Project site, in order so that the sign is visible to the general public. The Permittee shall provide photo documentation showing posting of the required signage to the Planning Division, prior to the commencement of construction activities. The sign must provide a telephone number of the site foreman, or other person who controls activities on the jobsite, for use for complaints from the public. The Permittee shall maintain a "Complaint Log," noting the date, time, complainant's name, complaint, and any corrective action taken, if the Permittee receives noise complaints. The Permittee must submit the "Complaint Log" to the Planning Division upon the Planning Director's request.

Timing: The Permittee shall install the sign prior to the issuance of a building permit and throughout all grading and construction activities. The Permittee shall maintain the signage on site until all grading and construction activities are complete. If the Planning Director requests the Permittee to submit the "Complaint Log" to the Planning Division, the Permittee shall submit the "Complaint Log" within one day of receiving the Planning Director's request.

Monitoring and Reporting: The Planning Division reviews, and maintains in the Project file, the photo documentation of the sign and the “Complaint Log.” The Planning Division has the authority to conduct site inspections and take enforcement actions to ensure that the Permittee conducts grading and construction activities in compliance with this condition, consistent with the requirements of § 8183-5 of the Ventura County Coastal Zoning Ordinance.

21. Future Collocation of Wireless Communication 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 make the facility and site available 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 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.
- d. The County retains the right to verify that the use of the Permittee’s facilities and site conforms to County policies.

Documentation: The Permittee shall demonstrate to the satisfaction of the Planning Director that the wireless communication facility is engineered to accommodate supplementary antennas to collocate at least one additional telecommunication carrier.

Timing: Prior to the issuance of a Zoning Clearance for Construction, 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: Prior to the issuance of a Certificate of Occupancy, Building and Safety inspectors and Planning Division staff have the authority to inspect the facility to confirm that it is constructed as approved.

Environmental Health Division

22. Hazardous Materials/Waster Management (General Notice)

Purpose: To ensure the storage, handling, and disposal of any potentially hazardous material complies with applicable State and local 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. Additional information on the storage and handling requirements for hazardous materials and wastes may be found on the Ventura County Environmental Health Division/Certified Unified Program Agency website: <https://vcrma.org/cupa>

Monitoring and Reporting: When applicable, the Ventura County Environmental Health Division/Certified Unified Program Agency issues hazardous material and hazardous waste permits and conducts site inspections

Exhibit 5

CONSISTENCY WITH THE GENERAL PLAN

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

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

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

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

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

The existing facility is designed to have the least amount of visual impact while ensuring the adequate provision of public facilities and services. The existing facility is attached to an existing utility pole that is located within the Old Pacific Coast Highway right-of-way (ROW). The wireless communication facility (WCF) provides radio telecommunication services to the surrounding area and is compatible with the neighboring uses.

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

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

The existing WCF is designed and sited to minimize land use conflicts and helps maintain a high standard of urban design and environmental quality. The compact form of the facility on an existing wood utility pole and location minimizes land use conflicts and will have no impact on traffic congestion.

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

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

The existing WCF is located within the Old Pacific Coast Highway public ROW in a developed area. The facility is attached to an existing wood utility pole that helps maintain a high standard of urban design and environmental quality. The compact design of the facility and location minimizes land use conflicts and maintains the existing views of the hillsides and coast.

Based on the above discussion, the proposed project is consistent with General Plan Policy LU-16.10.

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

The existing WCF ensures that cellular mobile communications infrastructure is provided for adequate services throughout the unincorporated area. The location of the facility is located appropriately to blend into the surrounding, developed environment.

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

- 5. COS-3.1 Scenic Roadways:** *The County shall protect the visual character of scenic resources visible from state of County designated scenic roadways.*

The existing WCF is located on an existing wood utility pole along a County designated scenic roadway. The location on an existing structure helps the facility blend with the surrounding character of nearby scenic resources. No new visual impacts will be generated from the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy COS-3.1.

- 6. HAZ-1.1 Fire Prevention Design and Practices:** *The County shall continue to require development to incorporate design measures that enhance fire protection in areas of high fire risk. This shall include but is not limited to incorporation of fire-*

resistant structural design, use of fire-resistant landscaping, and fuel modification around the perimeter of structures.

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

The Ventura County Fire Protection District (VCFPD) has reviewed the project and determined that the existing WCF meets all Ventura County Fire Protection District standards. The project has adequate access and clearance. No new conflicts will occur with the implementation of the proposed project.

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

CONSISTENCY WITH THE COASTAL AREA PLAN

- 7. ESHA Goal 4: Allowable Uses in ESHA or Buffer Zone 4.1(b) Non-Resource-Dependent Use:** *A non-resource dependent use may only be allowed in ESHA or buffer zone when necessary for a new wireless communication facility mandated by federal law or a new public works facility is necessary to protect public health/safety or provide essential public services for legally permitted development. Existing public works facilities may be maintained and repaired in accordance with Coastal Zoning Ordinance provisions in Sec. 8174-6.3.2 – Statutory Exemptions and Categorical Exclusions.*

The existing WCF is a non-resource dependent use but is mandated by federal law to close a gap in service coverage and capacity in the immediate area. The facility is the least intrusive design to close this gap in coverage and provides coverage to both the traveling public along Pacific Coast Highway and visitors to the coastal area.

Based on the above discussion, the proposed project is consistent with the Coastal Area Plan Policy ESHA Goal 4.

- 8. 4.1.7 Visual Resources: Visual Resource Goal 1, Wireless Communication Facilities (4):** *Wireless communication facilities shall be sited and designed to minimize alteration of natural land forms and to blend with the surrounding area in a manner that is consistent with community character, the natural environment, and existing development.*

The project site is located in a developed portion of the Old Pacific Coast Highway ROW and involves an existing wood utility pole. The WCF is sited and designed to attach to the existing pole with no alterations of natural land forms. The design of

the facility is the least intrusive design and blends in with the existing utility poles located along the highway and the surrounding area. The development is consistent with the community character, natural environment, and existing development.

Based on the above discussion, the proposed project is consistent with the Coastal Area Plan Policy 4.1.7(4).

9. 4.1.7 Visual Resources: Visual Resource Goal 1, Wireless Communication Facilities (5): *Wireless communication facilities shall be sited and designed to protect views from public viewing areas to the ocean or to scenic resources.*

The existing WCF is located on an existing wood utility pole in the Old Pacific Coast Highway ROW. The site, design, and location were chosen to protect views of the ocean and scenic resources from public viewing locations.

Based on the above discussion, the proposed project is consistent with the Coastal Area Plan Policy 4.1.7(5).

10.4.1.7 Visual Resources: Visual Resource Goal 1, Wireless Communication Facilities (6): *Wireless communication facilities – including accessory equipment, lighting, utility lines, security measures and access roads – shall be sited and designed to minimize adverse impacts on public access, ESHA and ESHA buffer zones.*

Implementation of the proposed project will require minimal construction activities and will not include the introduction of new uses that could adversely impact the surrounding area. The project site was previously cleared of vegetation to accommodate Old Pacific Coast Highway and the existing utility pole. No new effects on coastal resources would occur with implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with the Coastal Area Plan Policy 4.1.7(6).

T-Mobile

T-Mobile

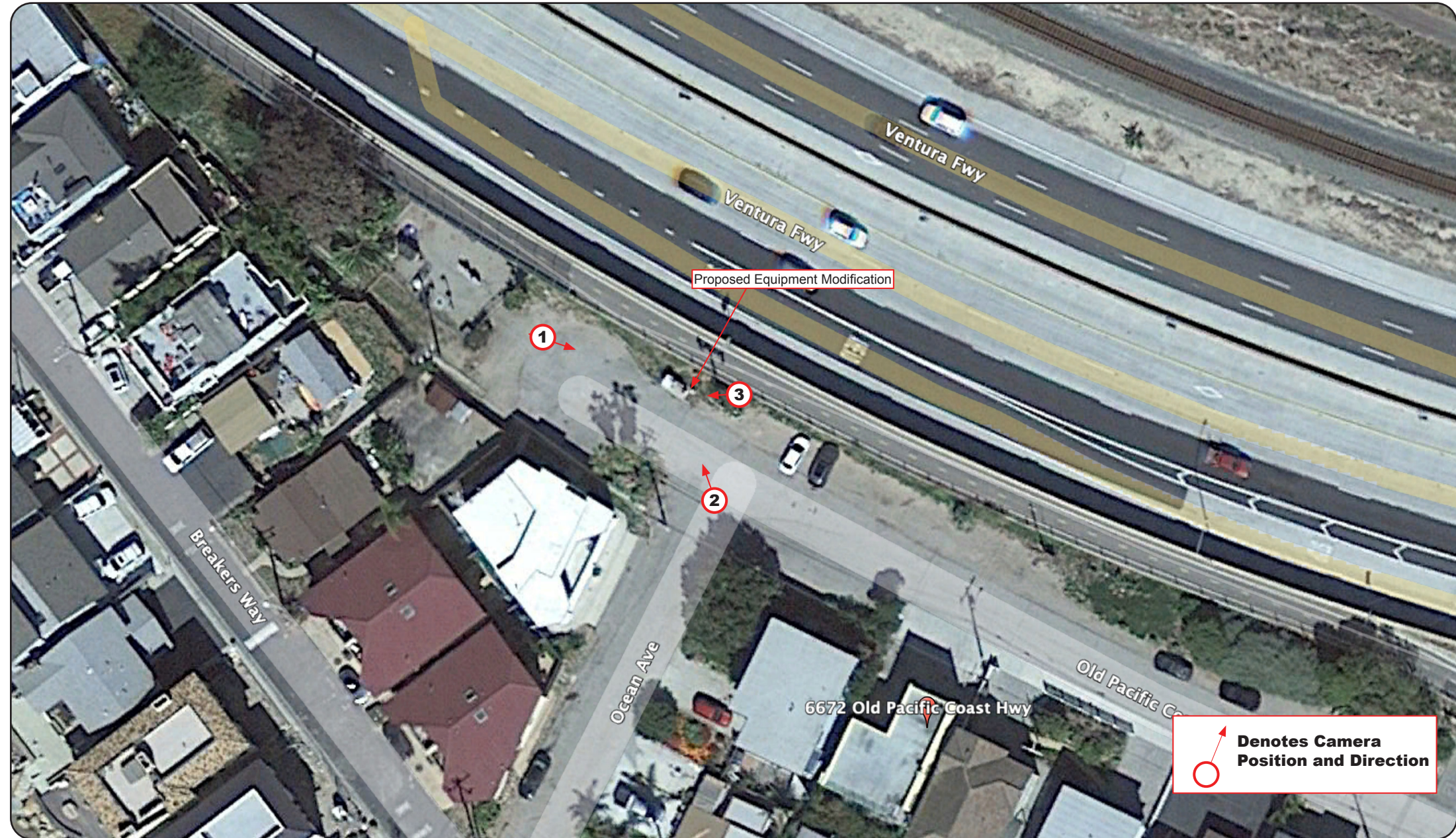
SV00939A CUP opt 1

6672 OLD PACIFIC COAST HIGHWAY
VENTURA, CA 93001

PHOTOGRAPHIC VISUALIZATIONS CREATED BY



www.ascendsouthwest.com



GEODETIC COORDINATES

34.35647222/-118.442083

This photo simulation is being provided as a conceptual representation of the proposed wireless facility.
For exact dimensions and design, please refer to the submitted plans.
Ascend South West is not Responsible for Post Simulation Production Design Changes, Scaling Error, Omissions, Color Discrepancies, Material Variances or any Construction Related Concern.

County of Ventura
Planning Director Hearing
Case No. PL22-0157
Exhibit 6 - Photo Simulations

Rev Date: 09/08/23



Existing Conditions



Proposed Site Build

View: 1
Revision Date: 09/08/23

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Existing Conditions



Proposed Site Build

View: 2
Revision Date: 09/08/23

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Existing Conditions



Proposed Site Build

View: 3
Revision Date: 09/08/23

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