



Planning Director Staff Report – Hearing on January 5, 2021

County of Ventura • Resource Management Agency • Planning Division

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

T-MOBILE SCE AT VICTORIA CONDITIONAL USE PERMIT (CUP) CASE NO. PL20-0082

A. PROJECT INFORMATION

1. **Request:** The applicant requests approval of a minor modification to an existing Conditional Use Permit (CUP) for a 10-year time extension for the continued operation of an existing Wireless Communication Facility (WCF) known as T-Mobile SV12018B SCE at Victoria (PL20-0082).
2. **Applicant:** T-Mobile, 4100 Guardian Street, Suite 101, Simi Valley, CA 93063
3. **Property Owner:** Southern California Edison, 2244 Walnut Grove Avenue, Rosemead, CA 91770
4. **Applicant's Representative:** Synergy, a division of Advantage Engineers, c/o Lynda McClung, 7543 Woodley Avenue, Suite 201, Van Nuys, CA 91406
5. **Decision-Making Authority:** Pursuant to the Ventura County Non-Coastal Zoning Ordinance (NCZO) (Section 8105-4 and Section 8111-1.2 et seq.), the Planning Director is the decision-maker for the requested CUP.
6. **Project Site Size, Location, and Parcel Number:** The 20.33-acre project site is located at 4368 Gonzales Road just west of Victoria Avenue in the unincorporated area of Ventura County. The Tax Assessor parcel number for the parcel that constitutes the project site is 183-0-010-115.
7. **Project Site Land Use and Zoning Designations:**
 - a. Countywide General Plan Land Use Map Designation: Agricultural
 - b. Zoning Designation: AE-40 ac (Agricultural, 40-acre minimum lot size)
8. **Adjacent Zoning and Land Uses/Development:**

Location in Relation to the Project Site	Zoning	Land Uses/Development
North	AE-40 ac (Agricultural Exclusive, 40-acre minimum lot size)	Agricultural Operations
East	AE-40 ac	Agricultural Operations
South	CA-40 ac-sdf (Coastal	Agricultural Operations

Location in Relation to the Project Site	Zoning	Land Uses/Development
	Agricultural, 40-acre minimum lot size, slope density formula)	
West	AE-40 ac	Agricultural Operations

9. History: The subject property is owned by Southern California Edison and is located off Gonzales Road on a private dirt road which is maintained by the property owner. The site is currently developed with agricultural development and 3 Southern California Edison lattice towers. The existing T-Mobile WCF that is the subject of this CUP has been in operation since 2010.

On July 19, 2010, CUP LU10-0051 was approved for the installation and operation of a WCF owned and operated by T-Mobile. The WCF consisted of nine panel antennas and one 2-foot diameter microwave dish on an existing Southern California Edison lattice tower. The base transceiver station and electronic equipment cabinets are located directly underneath the lattice tower in a 256 square-foot enclosure. This permit had a 10-year expiration date which ended on July 19, 2020.

On July 30, 2020, T-Mobile submitted an application (Case No. PL20-0082) for a Minor Modification to CUP LU10-0051 to authorize the continued use of the existing WCF for an additional 10-year period.

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 (Exhibit 2, Site Plans):

- Six (6) approximately 4-foot, 8-inch tall panel antennas;
- Three (3) 6-foot tall panel antennas;
- One (1) 2-foot diameter microwave antenna
- Two (2) Equipment Cabinets;
- 256-square-foot lease area housing the equipment cabinets.

The WCF will be unmanned, except for occasional periodic maintenance visits, and will operate 24 hours a day, 365 days per year. Access to the facility is available from Gonzales Road, a public, paved road and up a private dirt driveway. 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.

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 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.

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

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

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

The existing facility is located on an existing Southern California Edison lattice tower within a utility easement on the subject property. The antennas are mounted at 46-feet above grade level and the existing ground mounted equipment is located at the base of the lattice tower within a fenced lease area. No conflict with the adjoining agricultural operations will occur with the implementation of the proposed project.

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

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

The existing WCF is located within a designated utility easement and no agricultural designated lands are proposed to be removed from operation for the implementation of the project. The existing public uses are consistent with the agricultural related uses on site.

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

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

The existing facility is designed to have the least amount of visual impact while ensuring the adequate provision of public facilities and services. The WCF provides wireless telecommunication services to the surrounding area and is compatible with the neighboring uses. No new construction is proposed for the implementation if the proposed project.

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

- 4. 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 located on an existing structure and helps maintain a high standard of urban design and environmental quality. The compact design of the facility and location on existing public infrastructure minimizes land use conflicts and traffic congestion.

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

- 5. 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, being mounted to an existing lattice tower, is located appropriately to blend seamlessly into the surrounding environment.

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

- 6. PFS-7.3 Transmission Line Visual Impacts:** *The County shall work with utility companies to ensure that new gas, electric, cellular mobile communications, cable television, and telephone utility transmission lines use or parallel existing utility rights-of-way, where feasible. When existing right-of-way cannot be used, the County should encourage utility companies to design and locate transmission lines to avoid scenic areas and viewsheds, and to site in a manner that minimizes impacts on community character, the natural environment, and existing development.*

The existing WCF is located on an existing Southern California Edison lattice tower within a designated utility right-of-way. The facility is mounted to the existing tower and no modifications are proposed with this time extension. No impacts to scenic areas and viewsheds will occur with the implementation of the proposed project.

Based on the above discussion, the proposed project is consistent with General Plan Policy PFS-7.3.

- 7. PFS-7.5 Broadband Service Access:** *The County shall encourage broadband service providers to expand service areas and provide high quality access to broadband (high-speed internet) and cellular mobile communications services to residents and businesses, including unserved and underserved areas.*

The existing WCF provides service to the Oxnard plains and provides high quality access to cellular mobile communications. The continued use of the facility and ability to add additional antennas ensures that the residents and businesses will maintain a high quality of service.

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

- 8. AG-1.2 Agricultural Land Use Designation:** *The County shall ensure that discretionary development located on land designated as Agricultural on the General Plan Land Use Diagram and identified as Prime Farmland or Farmland of Statewide Importance on the State's Important Farmland Inventory is planned*

and designed to remove as little land as possible from potential agricultural production and to minimize impacts on topsoil.

The existing WCF does not require the removal of any agricultural land or operations. No Prime Farmland, Farmland of Statewide Importance on the State’s Important Farmland Inventory, or topsoil will be affected from the implementation of the proposed project.

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

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

The existing WCF does not conflict with the adjacent agricultural designated lands or agricultural uses of those lands. The antennas are mounted on the existing lattice tower and all ground mounted equipment is located within and existing gated lease area. 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 AG-2.1.

D. ZONING ORDINANCE COMPLIANCE

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

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

The proposed WCF is subject to the special use standards of the Ventura County NCZO (Section 8107-45.4). Table 1 lists the applicable special use 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 8107-45.4(f)(4)(e), Maximum Antenna Height:</p> <p><i>Flush-mounted wireless communication facilities shall not extend above the building height. If mounted on a structure other than a building, such as a light pole or utility pole, the antennas shall not extend more than 5</i></p>	<p>Yes, the design of the proposed project involves the continued use of a WCF with a maximum height of 50’ above grade level. The antennas do not extend beyond the top of the existing 120-foot tall SCE lattice tower.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<i>feet above the structure.</i>	
<p>Section 8107-45.4(n), Accessory Equipment:</p> <p><i>All accessory equipment associated with the operation of a wireless communication facility shall be located and screened to prevent the facility from being prominently visible from a public viewpoint to the maximum extent feasible.</i></p>	<p>Yes, none of the accessory equipment is visible from offsite.</p>
<p>Section 8107-45.4(o), Colors and Materials:</p> <p><i>All wireless communication facilities shall use materials and colors that blend in with the natural or man-made surroundings. Highly reflective materials are prohibited.</i></p>	<p>Yes, the facility matches the color of the existing lattice tower. No reflective materials will be used.</p>
<p>Section 8107-45.4(p), Noise:</p> <p><i>All wireless communication facilities shall be operated and maintained to comply at all times with the noise standards outlined in Section 2.16 of the Ventura County General Plan Goals, Policies, and Programs.</i></p>	<p>Yes, the WCF will always be operated and maintained to comply with the Ventura County noise standards.</p>
<p>Section 8107-45.4(r), Security:</p> <ol style="list-style-type: none"> <i>1. Each Facility shall be designed to prevent unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations or visual blight. The approving authority may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism.</i> <i>2. All fences shall be constructed of materials and colors that blend in with the existing setting. The use of a chain link fence is prohibited within areas designated as Urban and Existing Community in the General Plan, and areas that are prominently visible from a public viewpoint, unless the chain link fence is fully screened.</i> 	<p>Yes, the facility is enclosed within an existing chain link fence surrounding the entire facility which prevents access and vandalism to the project site. No new fencing is proposed as part of this project.</p>

Table 1 – Special Use Standards Consistency Analysis

Special Use Standard	Complies?
<p>Section 8107-45.4(s), Lighting:</p> <ol style="list-style-type: none"> 1. <i>No facility may be illuminated unless specifically required by the FAA or other government agency.</i> 2. <i>Any necessary security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties and to minimize impacts to wildlife.</i> 	<p>Yes, the proposed WCF is not illuminated.</p>
<p>Section 8107-45.4(t), Signage:</p> <p><i>A permanent, weather-proof identification sign, subject to Planning Director approval, shall be displayed in a prominent location such as on the gate or fence surrounding the wireless communication facility or directly on the facility. The sign must identify the facility operator(s) and type of use, provide the operator's address, FCC-adopted standards, and specify a 24-hour telephone number at which the operator can be reached during an emergency.</i></p>	<p>Yes, the existing WCF is surrounded by a chain link fence with signage indicating all necessary information related to the operation of the facility.</p>
<p>Section 8107-45.4(u), Access Roads:</p> <ol style="list-style-type: none"> 1. <i>Where feasible, wireless communication facility sites shall be accessed by existing public or private access roads and easements.</i> 2. <i>Wireless communication facility sites shall minimize the construction of new access roads, particularly when such roads are located in areas with steep slopes, agricultural resources, or biological resources as determined by the County's Initial Study Assessment Guidelines. When required, new access roads shall be designed to meet standards established by the Ventura County Public Works Agency and Ventura County Fire Department District.</i> 	<p>Yes, the proposed WCF is accessed by an existing public road to a private dirt access road, maintained by SCE, to the lattice tower and WCF location. No new roads are proposed with this project.</p>

E. CUP FINDINGS AND SUPPORTING EVIDENCE

The Planning Director must make certain findings in order to grant a CUP pursuant to Section 8111-1.2.1.1 of the Ventura County NCZO. The ability to make the required findings is evaluated below.

- 1. The proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code [Section 8111-1.2.1.1.a].**

Based on the information and analysis presented in Sections C and D of this staff report, the finding that the proposed development is consistent with the intent and provisions of the County's General Plan and of Division 8, Chapters 1 and 2, of the Ventura County Ordinance Code can be made.

- 2. The proposed development is compatible with the character of surrounding, legally established development [Section 8111-1.2.1.1.b].**

The existing WCF that is the subject of this CUP application has been in operation since 2010. The continued use of this WCF will not alter the appearance of the site or the character of the land uses in the area. No new impact on public views will result from the continued operation of the existing WCF.

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

- 3. The proposed development would not be obnoxious or harmful, or impair the utility of neighboring property or uses [Section 8111-1.2.1.1.c].**

As discussed in Section E.2 above, the proposed project involves the continued use of a WCF on the subject property. 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 3) will ensure the compatibility of the project with the ongoing uses in the vicinity.

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

- 4. The proposed development would not be detrimental to the public interest, health, safety, convenience, or welfare [Section 8111-1.2.1.1.d].**

No adverse effect of the proposed project on the environment or the use of adjacent properties has been identified. Similarly, no effect of the project has been identified that would be detrimental to the public interest, health, safety, or welfare.

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

5. The proposed development, if allowed by a Conditional Use Permit, is compatible with existing and potential land uses in the general area where the development is to be located [Section 8111-1.2.1.1.e].

The existing WCF is located on Southern California Edison property which is currently developed with agricultural operations and 3 Southern California Edison lattice towers including the existing T-Mobile WCF. The location of the antennas and equipment are not prominently visible from offsite and are colored to match the color of the lattice towers. In addition, no new development is proposed on any of the surrounding parcels.

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

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

The project site is located on a legal lot that is comprised of three Tax Assessor's Parcels. More specifically, Tax Assessor's Parcel 183-0-010-115 originally comprised a legal lot created by conveyance (deed recorded on July 24, 1958, in Book 1638, Page 275 of Official Records) prior to the regulation by the Subdivision Map Act or Ventura County Subdivision Ordinance. The other two lots—that is, Tax Assessor's Parcels 183-0-010-675 and 138-0-090-135—were merged together by conveyance (deed recorded on December 22, 1958, in Book 1685, Page 524 of Official Records, prior to regulation). The three lots were merged by operation of law under the County's merger law that was in effect from 1965 to July 1, 1984, and currently consists of one legal lot (Government Code Section 66451.301).

Based on the discussion above, this finding can be made

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

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

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

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

The Planning Division provided public notice regarding the Planning Director hearing in accordance with the Government Code (Section 65091), NCZO (Section 8111-3.1).

On December 18, 2020, the Planning Division mailed notice to owners of property within 300 feet of the property on which the project site is located. On December 24, 2020, 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 comments from this noticing.

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 8111-1.2.1.1 of the Ventura County NCZO, based on the substantial evidence presented in Section E of this staff report and the entire record;
4. **GRANT** CUP Case No. PL20-0082, subject to the conditions of approval (Exhibit 3).
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 and Industrial Permits Section
Ventura County Planning Division

Reviewed by:

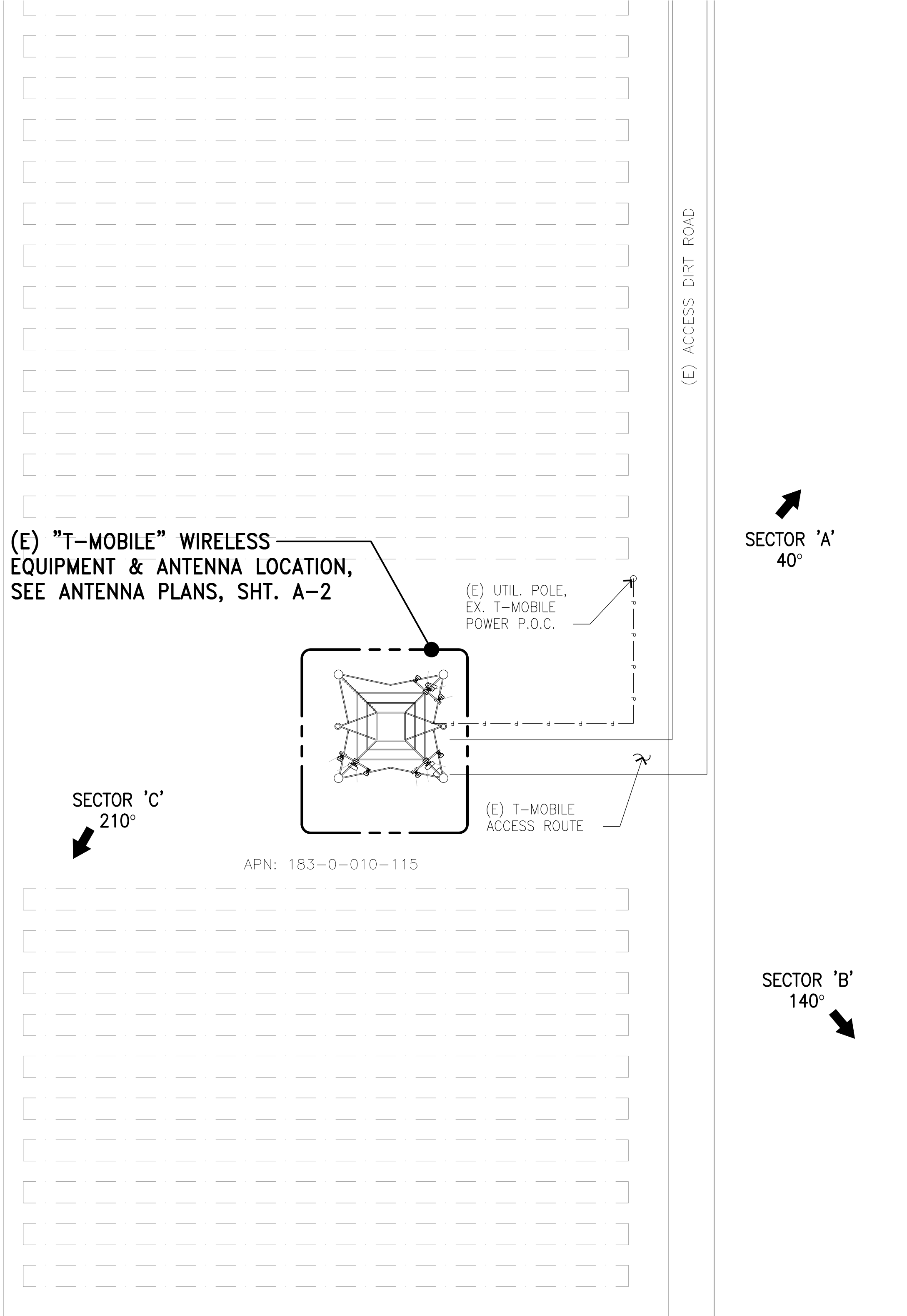


Mindy Fogg, Manager
Commercial/Industrial Permits Section
Ventura County Planning Division

EXHIBITS:

- Exhibit 2 Site Plans
- Exhibit 3 Draft Conditions of Approval

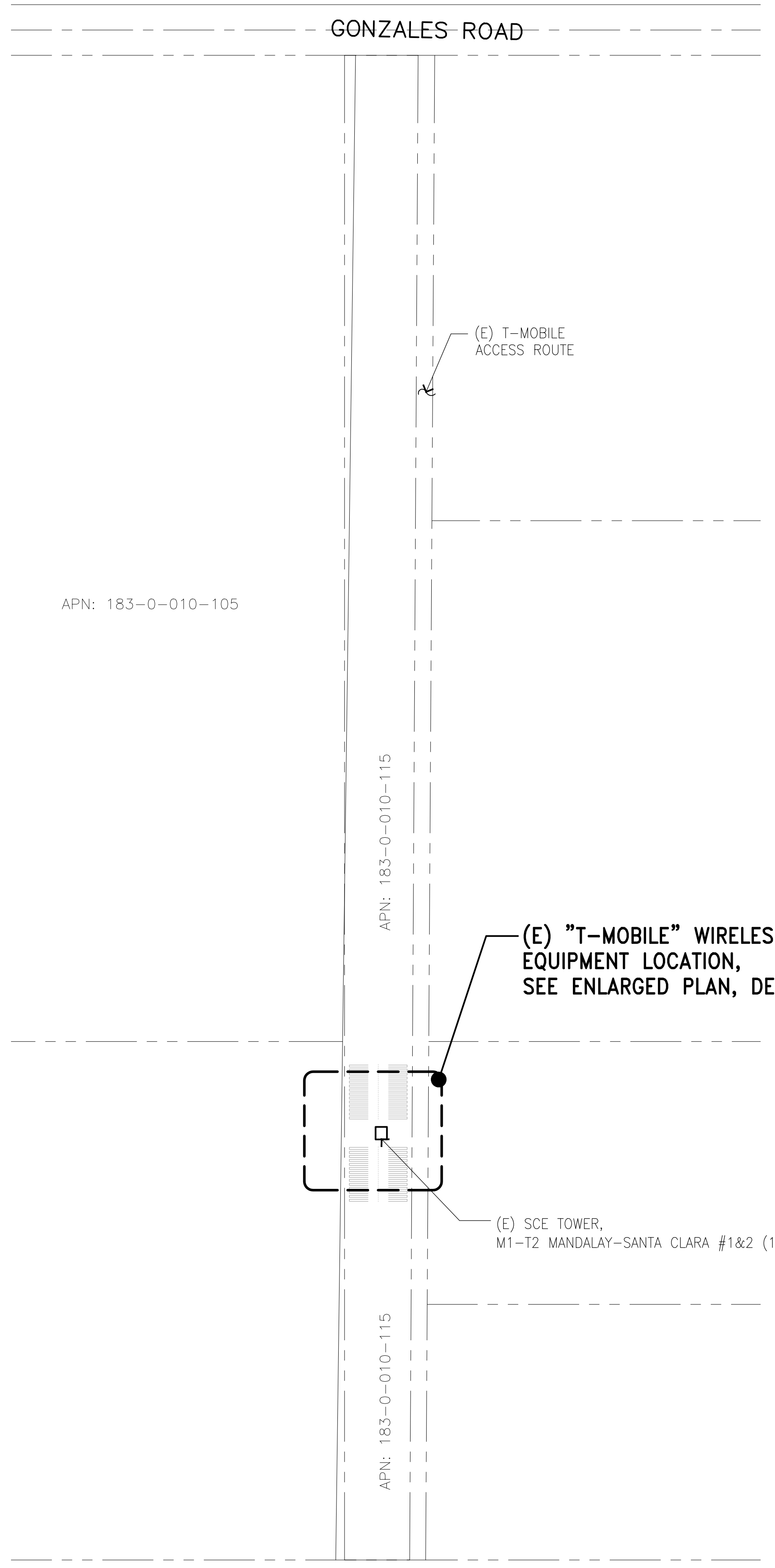
NOTE:
 THESE DRAWINGS HAVE BEEN CREATED BY INFORMATION GATHERED FROM
 (E) AS-BUILTS PROVIDED BY T-MOBILE AND WITHOUT A SURVEY. PLEASE
 VERIFY IN FIELD ALL DIMENSIONS, LENGTHS, PROPERTY LINES AND
 CONDUIT RUNS.



SCALE: 1/16"=1'
 0' 5' 20' 30'

ENLARGED PLAN

2



SCALE: NTS

OVERALL SITE PLAN

1

T-Mobile
 Stick Together

4100 GUARDIAN ST., SUITE 101
 SIMI VALLEY, CA 93063

PROJECT INFORMATION:
 (CUP RENEWAL)
 SV12018B
 SCE @ VICTORIA
 4368 CS WEST GONZALES ROAD
 OXNARD, CALIFORNIA 93030
 VENTURA COUNTY

CURRENT ISSUE DATE:
 03/25/20

ISSUED FOR:
 ZONING

REV.:	DATE:	DESCRIPTION:	BY:
A	02/27/20	90% ZD, ISSUED FOR REVIEW	VGO
B	03/25/20	100% ZD	PAD

PLANS PREPARED BY:

a division of advantage engineers

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

CONSULTANT:

a division of advantage engineers

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

DRAWN BY: VGO CHK.: LMC APV.: SW

LICENSURE:

SHEET TITLE:
 OVERALL SITE PLAN AND ENLARGED PLAN

SHEET NUMBER: A-1 REVISION: B
 SV12018B

PROJECT INFORMATION:

(CUP RENEWAL)

SV12018B

SCE @ VICTORIA

4368 CS WEST GONZALES ROAD
OXNARD, CALIFORNIA 93030
VENTURA COUNTY

CURRENT ISSUE DATE:

03/25/20

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	02/27/20	90% ZD, ISSUED FOR REVIEW	VGO
B	03/25/20	100% ZD	PAD

PLANS PREPARED BY:



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

CONSULTANT:



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

DRAWN BY: CHK.: APV.:

VGO LMC SW

LICENSURE:

SHEET TITLE:

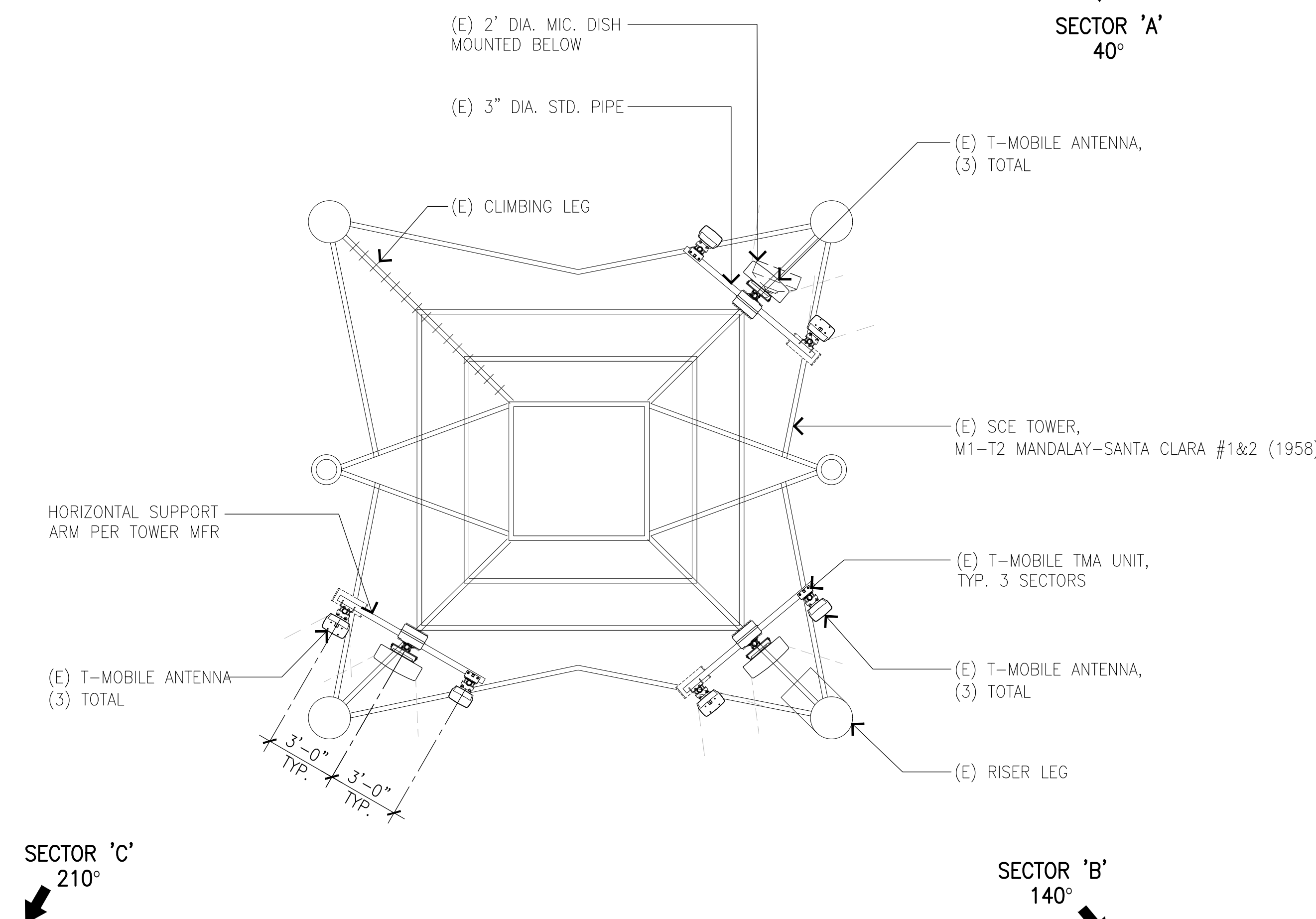
ANTENNA AND
EQUIPMENT LAYOUT
PLANS

SHEET NUMBER: REVISION:

A-2

B

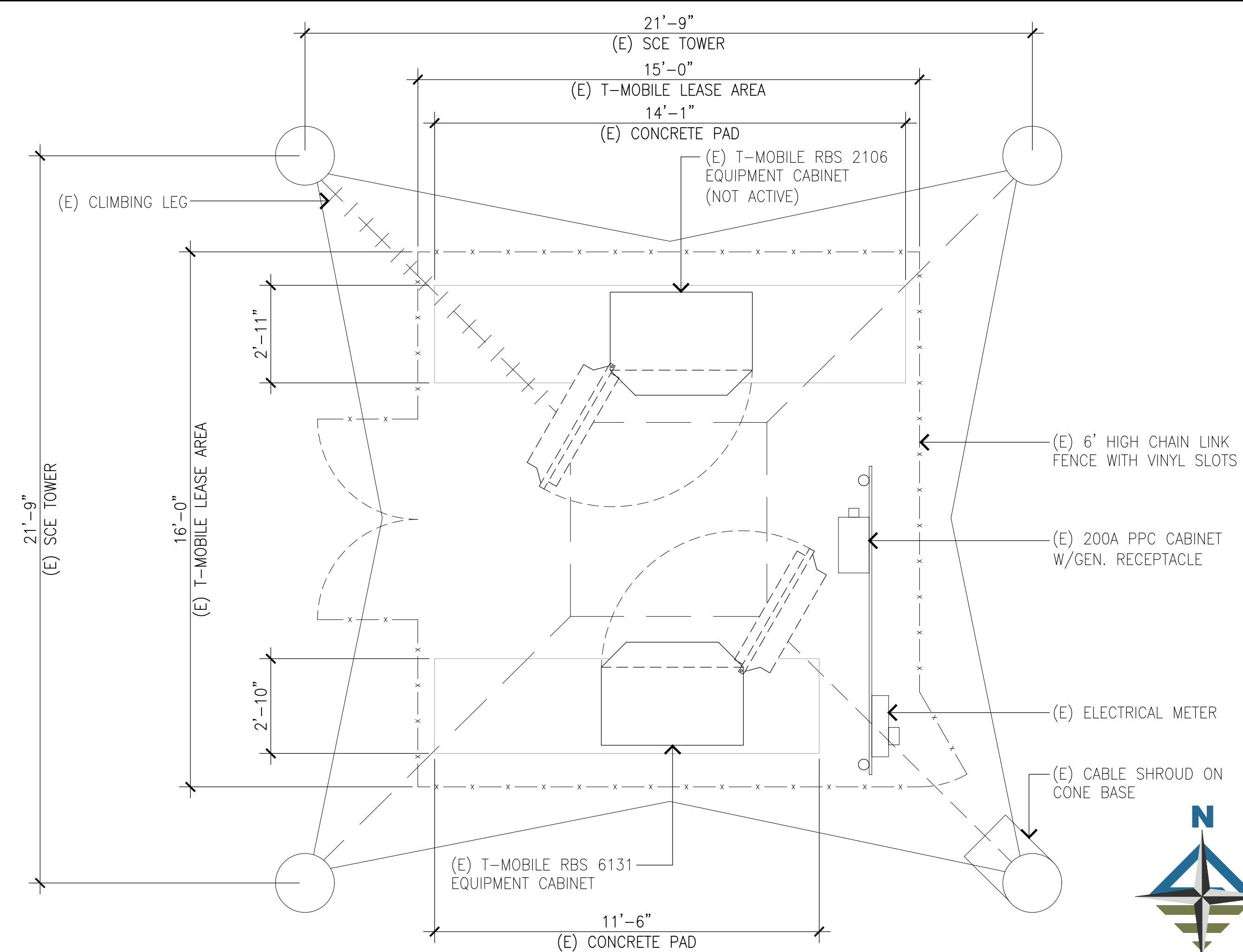
SV12018B



NOT USED

3 EXISTING ANTENNA LAYOUT PLAN

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

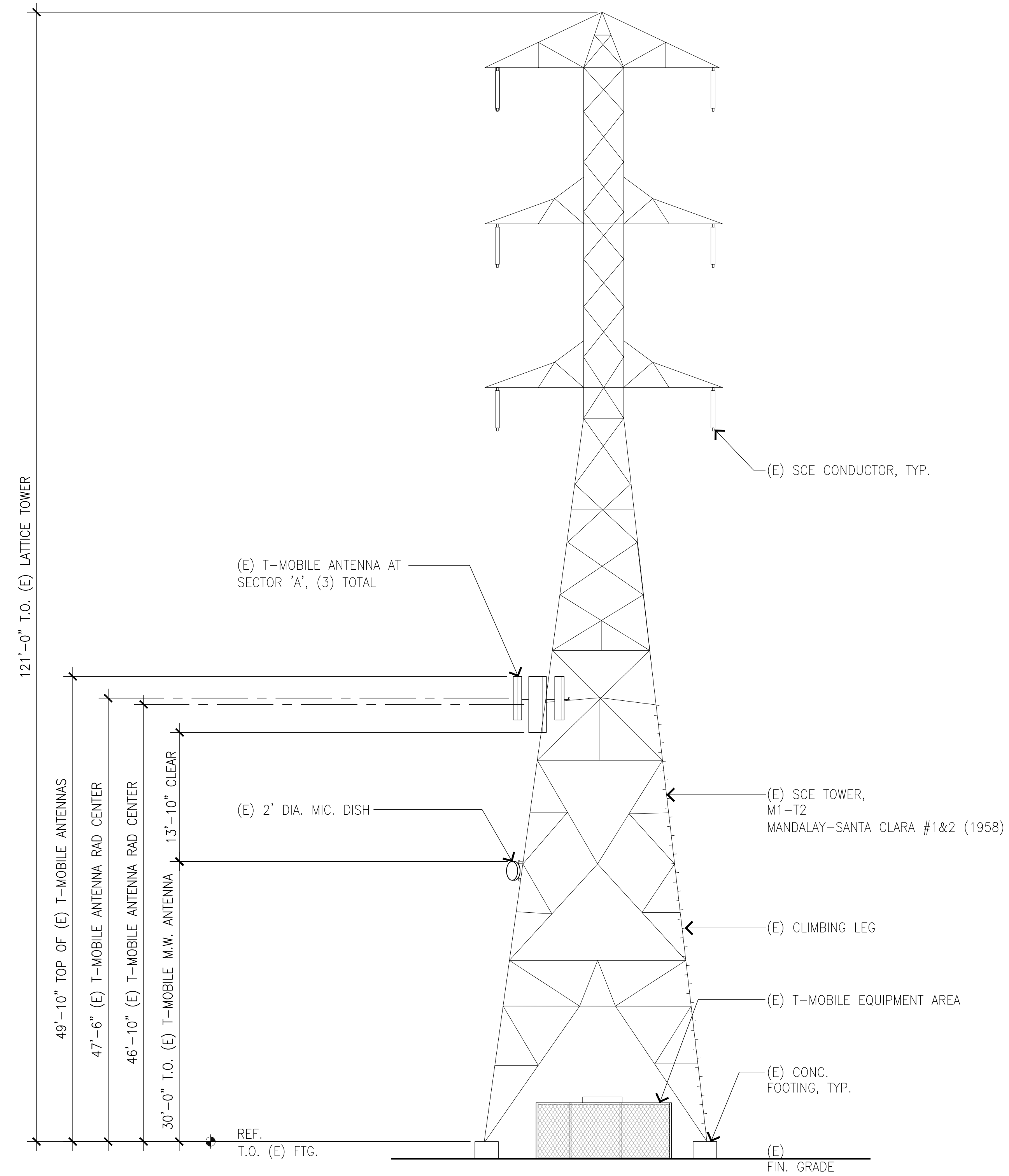
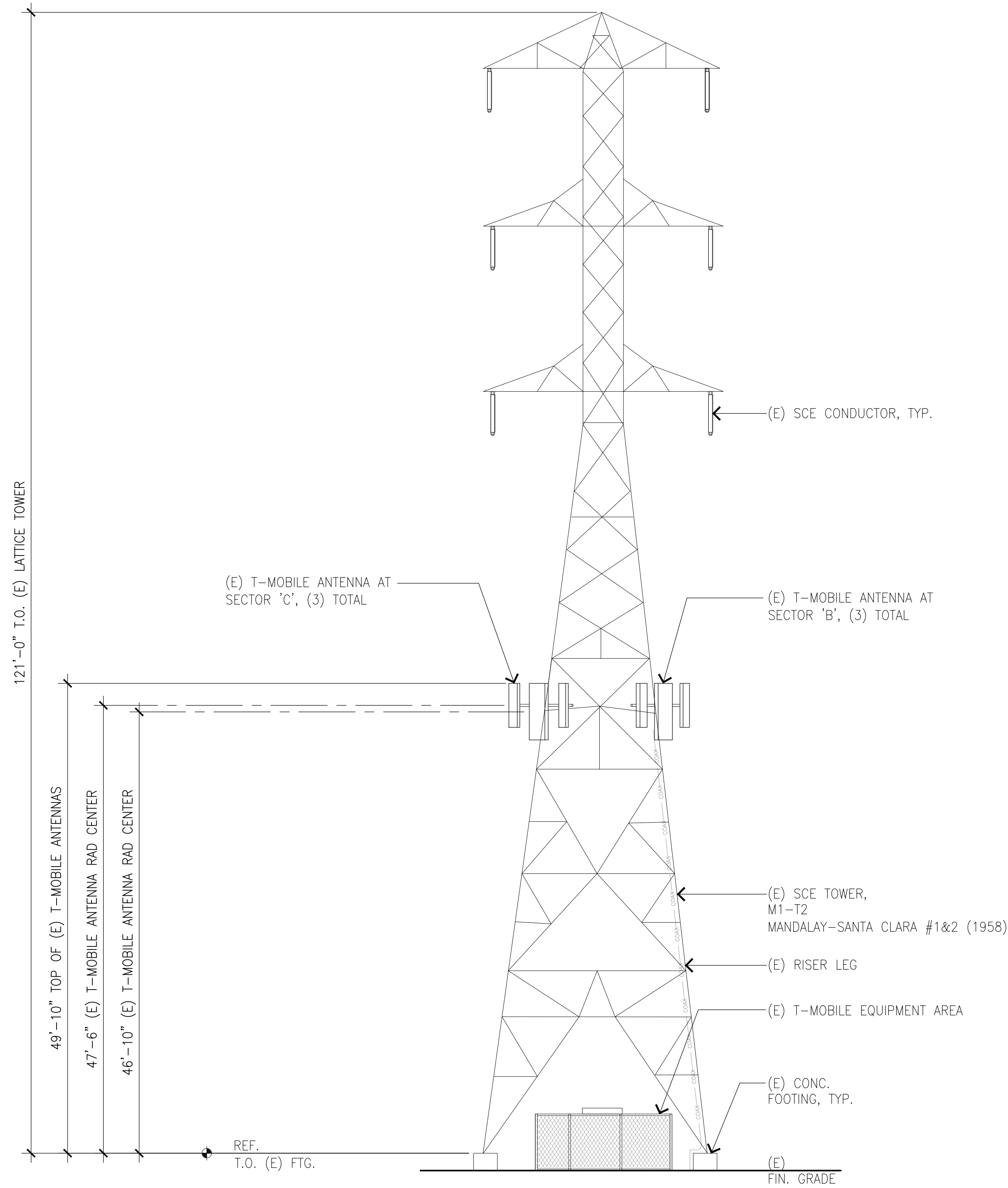


NOT USED

4 EQUIPMENT LAYOUT PLAN

SCALE: 3/8"=1'-0" 0 1' 2' 5' 2

NOTES:
EXISTING ANTENNAS AND EQUIPMENT
REMAIN. NO MODIFICATIONS PROPOSED



EXISTING SOUTH ELEVATION

SCALE: 1/8"=1'-0"
0 2' 5' 10' 15'

EXISTING NORTH ELEVATION

SCALE: 1/8"=1'-0"
0 2' 5' 10' 15'

T-Mobile
Stick Together

4100 GUARDIAN ST., SUITE 101
SIMI VALLEY, CA 93063

PROJECT INFORMATION:

(CUP RENEWAL)

SV12018B

SCE @ VICTORIA

4368 CS WEST GONZALES ROAD
OXNARD, CALIFORNIA 93030
VENTURA COUNTY

CURRENT ISSUE DATE:

03/25/20

ISSUED FOR:

ZONING

REV.: DATE: DESCRIPTION: BY:

REV.	DATE	DESCRIPTION	BY
A	02/27/20	90% ZD, ISSUED FOR REVIEW	VGO
B	03/25/20	100% ZD	PAD

PLANS PREPARED BY:

Synergy
a division of advantage engineers

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

CONSULTANT:

Synergy
a division of advantage engineers

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

DRAWN BY: CHK.: APV.:

VGO LMC SW

LICENSURE:

SHEET TITLE:

ELEVATIONS

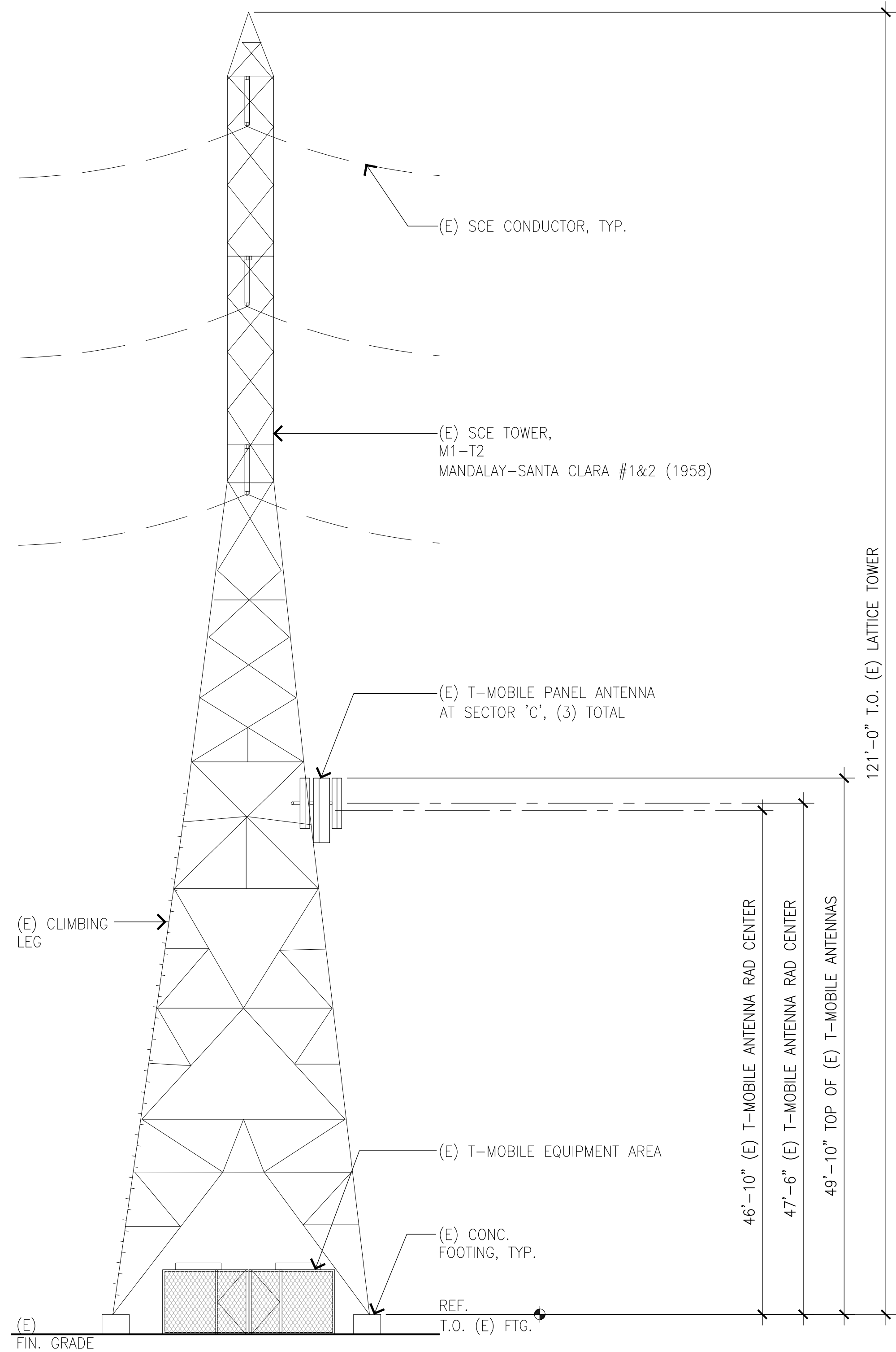
SHEET NUMBER: REVISION:

A-3

B

SV12018B

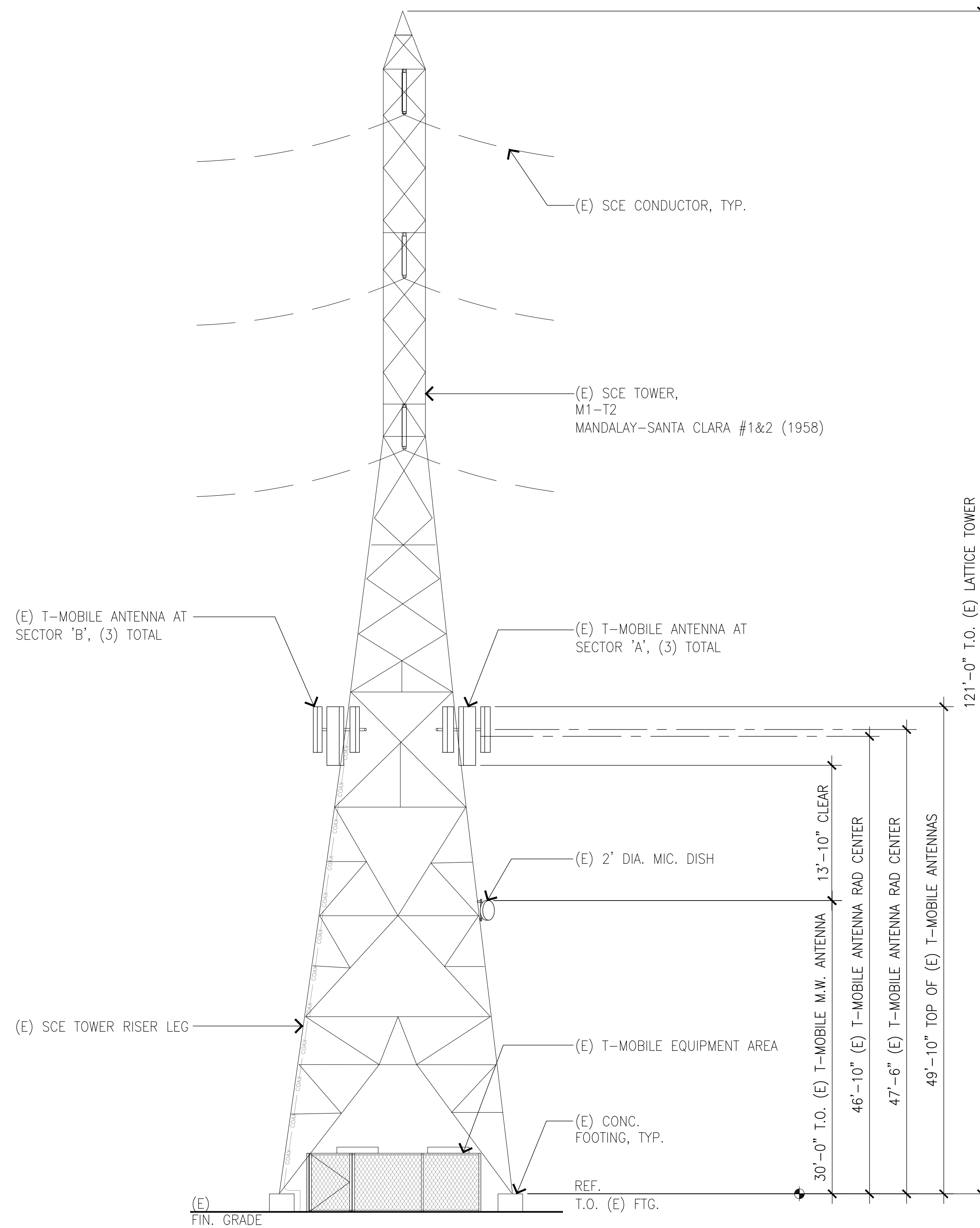
NOTES:
EXISTING ANTENNAS AND EQUIPMENT
REMAIN. NO MODIFICATIONS PROPOSED



EXISTING WEST ELEVATION

SCALE: 1/8"=1'-0"
0 2' 5' 10' 15'

2 EXISTING EAST ELEVATION



T-Mobile
Stick Together

4100 GUARDIAN ST., SUITE 101
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SCE @ VICTORIA
4368 CS WEST GONZALES ROAD
OXNARD, CALIFORNIA 93030
VENTURA COUNTY

CURRENT ISSUE DATE:
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ZONING

REV.:	DATE:	DESCRIPTION:	BY:
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PLANS PREPARED BY:

Synergy
a division of **advantage engineers**

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

CONSULTANT:

Synergy
a division of **advantage engineers**

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

DRAWN BY: VGO CHK.: LMC APV.: SW

LICENSURE:

SHEET TITLE:
ELEVATIONS

SHEET NUMBER: **A-4** REVISION: **B**
SV12018B

SCALE: 1/8"=1'-0"
0 2' 5' 10' 15'

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EXHIBIT 3

CONDITIONS OF APPROVAL FOR T-MOBILE WIRELESS COMMUNICATION FACILITY CONDITIONAL USE PERMIT (CUP), CASE NO. PL20-0082

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 below, all exhibits of the Planning Director hearing on January 5, 2021, and conditions of approval set forth below. Together, these conditions and documents describe the "Project." Any changes in the Project must 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 in the permit or further California Environmental Quality Act (CEQA) environmental review, or both. Any Project deviation that is implemented without requisite County review and approval(s) may constitute a violation of the conditions of this permit and applicable law.

The Project description is as follows:

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

- Six (6) approximately 4-foot, 8-inch tall panel antennas;
- Three (3) 6-foot tall panel antennas;
- One (1) 2-foot diameter microwave antenna
- Two (2) Equipment Cabinets;
- 256-square-foot lease area housing the equipment cabinets.

The WCF will be unmanned, except for occasional periodic maintenance visits, and will operate 24 hours a day, 365 days per year. Access to the facility is available from Gonzales Road, a public, paved road and up a private dirt driveway.

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.

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2. Site Maintenance

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

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

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

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

Monitoring and Reporting: The County Building Inspector, Public Works Agency Grading Inspector, Fire Marshall, and/or Planning Division staff has the authority to conduct periodic site inspections to ensure the Permittee's ongoing compliance with this condition consistent with the requirements of § 8114-3 of the Ventura County Non-Coastal Zoning Ordinance.

3. CUP Modification

Prior to undertaking any operational or construction-related activity which is not expressly described in these conditions, the Permittee shall first contact the Planning Director to determine if the proposed activity requires a modification of this CUP. The Planning Director may, at the Planning Director's sole discretion, require the Permittee to file a written and/or mapped description of the proposed activity in order to determine if a CUP modification is required. If a CUP modification is required, the modification shall be subject to:

- a. The modification approval standards of the Ventura County Ordinance Code in effect at the time the modification application is acted on by the Planning Director; and,
- b. Environmental review, as required pursuant to the California Environmental Quality Act (*CEQA*; *California Public Resources Code*, §§ 21000-21178) and the State CEQA Guidelines (*California Code of Regulations*, Title 14, Chapter 3, §§ 15000-15387), as amended from time to time.

4. 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 Non-Coastal Zoning Ordinance* (Article 14), which shall include, but is not limited to, the following:

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

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

6. Time Limits

a. Use Inauguration:

- (1) The approval decision for this CUP becomes effective upon the expiration of the 10-day appeal period following the approval decision, or when any appeals of the decision are finally resolved. Once the approval decision becomes effective, the Permittee must obtain a Zoning Clearance for Use Inauguration in order to initiate the land uses set forth in Condition No. 1.
- (2) This CUP shall expire and become null and void if the Permittee fails to obtain a Zoning Clearance for Use Inauguration within one year from the date the approval decision of this CUP becomes effective. The Planning Director may grant a one-year extension of time to the Permittee in order to obtain the Zoning Clearance for Use Inauguration if the Permittee can demonstrate to the satisfaction of the Planning Director that the Permittee has made a diligent effort to implement the Project, and the Permittee has requested the time extension in writing at least 30 days prior to the one-year expiration date.

(3) Prior to the issuance of the Zoning Clearance for Use Inauguration, all fees and charges billed to that date by any County agency, as well as 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 § 8111-6 of the *Ventura County Non-Coastal Zoning Ordinance* prior to **TBD**; and

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

The uses authorized by this CUP may continue during processing of a timely-filed modification application in accordance with § 8111-2.10 of the *Ventura County Non-Coastal Zoning Ordinance*.

7. Documentation 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 Use Inauguration 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. 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 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 Use Inauguration and throughout the life of the Project.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure ongoing compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

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 of the property that is subject this CUP.

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

Timing: The Permittee shall record the "Notice of Land Use Entitlement" form and conditions of this CUP, prior to issuance of a Zoning Clearance for Use Inauguration.

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

10. Financial Responsibility for Compliance Monitoring and Enforcement

- a. **Cost Responsibilities:** The Permittee shall bear the full costs of all County staff time, materials, and County-retained consultants associated with condition compliance review and monitoring, CEQA mitigation monitoring, other permit monitoring programs, and enforcement activities, actions, and processes conducted pursuant to the *Ventura County Non-Coastal Zoning Ordinance* (§ 8114-3) related to this CUP. Such condition compliance review, monitoring, and enforcement activities may include (but are not limited to): periodic site inspections; preparation, review, and approval of studies and reports; review of permit conditions and related records; enforcement hearings and processes; drafting and implementing compliance agreements; and attending to the modification, suspension, or revocation of permits. Costs will be billed at the rates set forth in the Planning Division or other applicable County Fee Schedule, and at the contract rates of County-retained consultants, in effect at the time the costs are incurred.
- b. Pursuant to the requirements of CUP LU10-0051, the Resource Management Agency created Condition Compliance Case No. CC10-0051 to cover the costs associated with condition compliance review, monitoring, and enforcement activities, and any duly-imposed civil administrative penalties, regarding LU10-0051. The Planning Division will continue to use Condition Compliance Case No. CC10-0051 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. CC10-0051, 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 is in conflict with any other CUP condition contained herein, when principles of law do not provide to the contrary, the CUP condition most protective of public health and safety and environmental resources shall prevail to the extent feasible.

No condition of this CUP for uses allowed by the Ventura County Ordinance Code shall be interpreted as permitting or requiring any violation of law, lawful rules, or regulations, or orders of an authorized governmental agency. Neither the approval of this CUP, nor compliance with the conditions of this CUP, shall relieve the Permittee from any responsibility otherwise imposed by law for damage to persons or property.

The Permittee shall obtain 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 Use Inauguration, 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 § 8114-3 of the *Ventura County Non-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; and,
- c. If, following a complaint investigation by County staff, a violation of Ventura County Code or a condition of this CUP is confirmed, County may initiate enforcement actions pursuant to § 8114-3 of the *Ventura County Non-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).

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

19. Removal of Facility Upon Abandonment of Use or Expiration of Permit

Purpose: In compliance with § 8111-2.8 and § 8111-8.1 of the *Ventura County Non-Coastal Zoning Ordinance* and in order to ensure that the use of the subject property remains compatible with existing and potential uses of other property within the general area, the communication facility shall be removed if this CUP expires or if the facility is abandoned.

Requirement: Upon the expiration of this CUP, or abandonment of the use of the communication facility, the Permittee shall:

- a. notify the County that the Permittee has discontinued the use of the facility;
- b. remove the facility and all appurtenant structures; and,
- c. restore the premises to the conditions existing prior to the issuance of the CUP, to the extent feasible, as determined by the Planning Director.

In the event that the Permittee fails to perform the required actions, the Property Owner shall be responsible for compliance with the requirements set forth in this condition. The facility shall be considered to be abandoned if it has not been in use for 12 continuous months.

Documentation: The Permittee shall provide photos of the site after restoration is completed to the Planning Division.

Timing: The Permittee shall complete the notification, removal, and restoration activities within 60 days of the expiration of this CUP, or abandonment of the use, unless the Planning Director grants (in writing) additional time.

Monitoring and Reporting: The Planning Division has the authority to conduct periodic site inspections to ensure compliance with this condition consistent with the requirements of § 8114-3 of the *Ventura County Non-Coastal Zoning Ordinance*.

20. Future Collocation of Wireless 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; 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 communications tower associated with the subject facility is engineered in a manner that can accommodate supplementary antennas to collocate at least one additional telecommunication carrier.

Timing: Prior to the issuance of a Zoning Clearance for Use Inauguration, the Permittee shall submit evidence to the Planning Division that the facility is engineered to accommodate the collocation of at least one additional carrier.

Monitoring and Reporting: 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.

FIRE DEPARTMENT CONDITIONS

21. Fire Department Clearance: The Permittee shall obtain VCFPD Form #126

“Requirements for Construction” prior to obtaining a building permit for any new structures or additions to existing structures.

22. Post Address Numbers: Address numbers, a minimum of 10” high, shall be installed on the fence outside the facility facing the street. The numbers shall be of contrasting color to the background and shall be readily visible at night. Brass or gold-plated numbers shall not be used. Address numbers may be increased at the discretion of the VCFPD.
23. Fire Code Permits: Applicant and/or tenant shall obtain all applicable Fire Code permits prior to use of any system or item requiring a Fire Code permit. The applicant shall obtain a Fire Code permit, prior to use, if the stationary lead-acid battery system has a liquid capacity of more than 100 gallons or if any individual lead-acid batteries exceed 20 gallons each. A Fire Code Permit will be required for any propane or flammable/combustible liquids used/stored for emergency generator(s).
24. Hazard Abatement: All grass or brush exposing any structure(s) to fire hazards shall be cleared for a distance of 100 feet prior to construction of any structure and shall be maintained in accordance with VCFPD Ordinance.
25. Access Road Gates: Any gates to control vehicle access are to be located to allow a vehicle waiting for entrance to be completely off the intersecting roadway. A minimum clear open width of 20 feet shall be provided. If gates are to be locked, a Knox system shall be installed.
26. Fire Extinguishers: Fire extinguishers shall be installed in accordance with the Fire Code. The placement of extinguishers shall be subject to review by the Fire District.

ENVIRONMENTAL HEALTH CONDITIONS

27. Compliance with Stormwater Development Construction Program: The storage, handling, and disposal of any potentially hazardous material shall be in compliance with applicable state regulations.