

Resolution No. 97-197

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF THOUSAND OAKS ESTABLISHING
STANDARDS AND GUIDELINES FOR THE
INSTALLATION OF WIRELESS COMMUNICATIONS
FACILITIES IN THE CITY OF THOUSAND OAKS

WHEREAS, the City Council has enacted an ordinance regulating the permitting, approval, location and design of wireless communications antennas and facilities under a City Development Permit for sites in commercial and industrial zones (Ord. 1292-NS) and pursuant to a Special Use Permit for sites in residential, Open Space and Public Lands zones, which permits are required for the installation of such facilities; and

WHEREAS, on September 2, 1997, the City Council adopted Resolution No. 97-161 establishing standards and guidelines for the installation of wireless communications facilities in the City of Thousand Oaks which did not permit such facilities in residential, open space or public lands zones; and

WHEREAS, pursuant to Thousand Oaks Municipal Code sections 9-4.2804 (a)(4)(x), 9-4.402, 9-4.502, 9-4.602, 9-4.702, 9-4.802, 9-4.903, 9-4.1003, 9-4.3104, 9-4.3202, and 9-4.3602, the City Council is to establish and adopt guidelines and standards for the consideration of Development Permit and Special Use Permit applications for such facilities.

NOW, THEREFORE, the City Council of the City of Thousand Oaks does hereby resolve as follows:

Prior Resolution Superseded

Resolution 97-161, adopted by City Council on September 2, 1997, is of no further force and effect and is hereby replaced and superseded in its entirety by this resolution.

SECTION 1. Purpose.

The purpose of this resolution is to provide a uniform and comprehensive set of standards and guidelines for the development of wireless communications facilities in Thousand Oaks. The standards contained herein are designed to protect and promote public health, safety, community welfare and the aesthetic quality of Thousand Oaks as set forth within the goals and policies of the Thousand Oaks General Plan, while not prohibiting, or having the effect of prohibiting, the development of needed telecommunications facilities.

SECTION 2. Policy.

All wireless communications facilities shall be developed in a way that minimizes their potential adverse effects upon the public welfare and visual impacts upon the community through careful design, siting, landscaping, screening and camouflage techniques so that they may be aesthetically and architecturally compatible with the existing natural or developed setting.

SECTION 3. Definition.

As defined in Section 9-4.283 of the Thousand Oaks Municipal Code, a "wireless communications facility" is any structure which transmits and/or receives radio frequency signals. It includes antennas, microwave dishes, towers, poles, equipment shelters, support structures, and other equipment for the transmission and receipt of signals that enable people to communicate independent of location. This includes the current technologies of cellular communications and Personal Communications Services. It does not include non-commercial antennas, radio and television signals, and non-commercial satellite dishes.

SECTION 4. Where Permitted.

A wireless communications facility is allowed in the zones specified in Chapter 4 of Title 9 of the Thousand Oaks Municipal Code, subject to the permitting standards, conditions and requirements set forth in this resolution.

A. A wireless communications facility is permitted in the following zones by the approval of a Development Permit, or modification to an existing active Development Permit:

Industrial Zones M-1 (Industrial Park) and M-2 (Light Manufacturing).

Commercial Zones C-0 (Commercial Office), C-1 (Neighborhood Shopping Center), C-2 (Highway & Arterial Business), C-3 (Community Shopping Center), C-4 (Regional Shopping Center), C-2/CC (Highway & Arterial Business/Civic Center), C-2/AM (Highway & Arterial Business/Auto Mall).

B. These commercially operated wireless communications facilities and uses may not be compatible with every proposed site in certain zones, and such antenna uses may have an adverse detrimental visual impact on neighboring residents at many of the possible proposed locations in the residential, Public Land and Open Space zones, therefore, the approval of such facilities in residential, public land and open space zones, will be discretionary with the City and subject to the approval of a Special Use Permit. A wireless communications facility is permitted in the following zones with the approval of a Special Use Permit, or an approved modification to an existing and active Special Use Permit, and subject to the conditions of such an approved SUP:

Residential Zones R-A (Rural-Agricultural), R-E (Rural-Exclusive), R-O (Single Family Estate), R-1 (Single Family Residential), R-2 (Two-family Residential), R-3 (Multiple-family Residential), RPD (Residential Planned Development), HPD (Hillside Planned Development)

P-L Zone (Public, Quasi-Public Lands & Facilities)

OS Zone (Open Space).

A Special Use Permit for a site in a residential, P-L or OS zone may be approved provided the Planning Commission , or the City Council on appeal, finds such facilities:

1. Are compatible with the present uses on the site, and with the adjoining uses, and the design will not have an unreasonably detrimental visual impact on the neighboring residents; and
2. The design of the facilities and all associated structures satisfy the development standards and requirements of sections 5 - 9 of this resolution, and also meet the following special requirements or standards:
 - a. A wireless communications facility or antenna to be located in residential, P-L or O-S zone will be affixed or attached to a structure such as a:
 - i. Utility pole, existing antenna, or street light standard, provided the antenna height does not project more than 3 feet above the pole or the light standard to which it shall be attached and said pole or standard is within the public right of way or a public or utility service easement;
 - ii. Church or other religious building, provided it is an integral architectural feature of that building;
 - iii. Stadium or playfield light standards, a pole/structure holding safety netting, flagpoles, or screening for recreational facilities, or above-ground water tanks (which tanks are unscreened and visible from adjoining properties), provided the antenna facility's height does not project more than 5 feet above the structure to which it shall be attached;
 - iv. School, government or hospital building, provided the building mounted antenna height does not project more than 15 feet above the height of the building to which it shall be attached; or,

- v. Work of art, provided it is an integral and disguised part of that work of art.
- b. Monopoles, as defined below, may be allowed in Public Lands (P-L) zones, but shall not be allowed within a ridgeline area, on a hilltop or on a hillside in a P-L zone.
- c. Appurtenant structures such as equipment housing and power supplies are fully screened from view and may be required to be located underground.
- d. Access to the site should only be achieved utilizing existing, graded or paved roadways.

SECTION 5. Development Standards.

The following criteria shall be used to evaluate each application for a wireless communications facility.

General Requirements

- A. A visual analysis, which may include a viewshed rendering, field mock up (actual size), line of sight sections or other techniques, shall be prepared by the applicant in order to identify potential visual impacts of the proposed facility. The analysis shall include both pre-mitigation (before) and post-mitigation (after).
- B. Wireless communications facilities shall be located and designed to avoid substantially altering scenic viewsheds.
- C. On hillside locations, wireless communications facilities shall be located to avoid silhouetting on the ridgeline and shall blend with the surrounding existing environment, or with landscaping to be installed, in order to decrease visibility from off-site.
- D. Wireless communications facilities shall be finished in a neutral color and non-reflective surface to blend with the immediate surroundings.
- E. Building-mounted or roof-mounted wireless communications facilities shall be integrated into the building's architecture, through design, color and texture.

- F. Ground-mounted free standing wireless communications facilities, such as antenna towers, monopoles, or other ground-mounted antennas, but excluding “whip antennas” (hereinafter collectively “monopoles”) shall not exceed the maximum building height limit for the zone where located, as set forth in Title 9, Chapter 4, Article 25 of the Thousand Oaks Municipal Code, by more than 15 feet. A wireless communications facility may be attached to an utility pole, existing approved antenna, parking lot light standard, or street light standard in commercial and industrial zones, provided the antenna height does not project more than 3 feet above the pole, antenna, or the light standard to which it shall be attached. Roof-mounted wireless communications facilities on any building may exceed the proscribed height limit for structures in the zone, provided such roof-mounted wireless communications facilities do not exceed the height of the existing building to which it will be attached by more than 15 feet. No roof-mounted wireless communications facility shall be allowed in a residential zone.
- G. Monopoles shall contain creative design features and shall be placed adjacent to existing buildings, next to structures or next to other appropriate solid or landscaped backgrounds in order to minimize visual impact. Monopoles shall not be permitted in residential or Open Space zones, except as in compliance with subsection 4,B,2. Monopoles may be allowed in P-L zones, but shall not be allowed within a ridgeline area, on a hilltop or on a hillside in a P- L zone. All requests for a monopole installation shall be referred to the Planning Commission for review and approval. Lattice towers are prohibited. Any facility (monopole or roof-mounted) may be approved for multiple users (a future co-location site) provided there is a design and plan showing the structure with the maximum use and a limit on the number of separate user antennas or other facilities to be attached.
- H. Landscaping may be required to screen wireless communications facilities from public view, and/or to provide a backdrop to camouflage those facilities. In such instances, a conceptual landscape plan and irrigation plan shall be submitted with the project application indicating all vegetation and its proposed long term maintenance that is needed to adequately screen the facility from adjacent land uses and public view. The landscaping should be consistent with the surrounding vegetation or existing landscaping. Landscaping shall comply with standards and guidelines set forth in City Council Resolution 93-74, as amended. The City may require a cash bond, to be released after three years, if landscaping is established.
- I. Wireless communications facilities shall not be artificially lighted, except as required for security purposes. In such required instances, motion sensor lighting shall be used.

- J. **Wireless communications facilities shall not bear any signs or advertising other than that required by Federal Communications Commission regulations.**
- K. **Accessory structures supporting wireless communications facilities shall be designed to be unobtrusive and architecturally compatible with existing structures or surroundings. Accessory structures shall meet the minimum setbacks in the applicable zoning classification unless aesthetic or safety issues warrant an exception, and except when such a set back is not feasible for those facilities which must be located within the public right of way (such as equipment cabinets for micro cells on street light poles or existing utility structures).**
- L. **Wireless communications facilities shall be integrated into the design of existing buildings and appurtenant features or structures whenever possible. Examples include building facia, street lighting fixtures, utility poles, flag poles, church steeples, clock towers, public art and artificial vegetation.**
- M. **A decorative, solid wall or other screening around wireless communications facilities may be required to mitigate visual impacts from neighboring land uses and should be of a design that harmonizes with the surrounding environment.**

Co-location of Facilities: Alternatives

- N. **An analysis shall be prepared by the applicant which identifies a reasonable number, if any exist, of alternative locations and/or co-location facilities which are available for such use and would provide a reasonably equivalent level of the proposed communication services. The analysis shall address the potential, as well as any requests made by the applicant, for the co-location of the proposed facility at an existing approved site within the intended service area. The City may obtain an independent verification of the analysis at the applicant's expense.**

Public Health

- O. **No wireless communications facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health in violation of any Federal Communications Commission (FCC) standard or regulation. No facility shall produce radio frequency and electromagnetic power emissions which exceed the most recently adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation.**

Height Limits

- P. The Planning Commission may approve an antenna height that exceeds the limits set forth in this resolution, provided it finds that the applicant has met its burden of establishing that with all existing and contemplated facilities along with the proposed type of facility at described height limit in this resolution, effective coverage of the area targeted for wireless service coverage could not be achieved.

SECTION 6. Contents of Entitlement Applications.

The entitlement application required by the Thousand Oaks Municipal Code shall contain the information required for that type of application as well as the following:

- A. The applicant shall provide written verification that the proposed project RFR and EMF emissions will fall within the adopted FCC standards for safe human exposure to such forms of non-ionizing electromagnetic radiation when operating at full strength and capacity. If it is proposed to be located on a site with other existing wireless communications facilities, the application shall address the cumulative emissions of all facilities.
- B. A scaled site plan of the subject property showing the proposed wireless communications facility, property lines, abutting properties and land uses, all structures on the subject property as well as adjacent properties, walls, setbacks, all ingress and egress, nearby streets, major vegetation, required grading, easements, new utilities and other pertinent information.
- C. All affected exterior elevations and architectural features, a color and material sample board of all materials to be used for the proposed installation.
- D. A map and list showing all property owners names and addresses within 300 feet of the subject property, for purposes of notification.
- E. Manufacturer's details and installation specifications, including remedial architectural treatment to improve or soften the appearance of the installation.

SECTION 7. Applications

Where a development permit has already been approved for a site and is in effect, the entitlement required for approval of a wireless communications facility on that site shall be a minor modification to the applicable development permit, provided full compliance with the standards and guidelines is achieved.

In other cases, where no development permit is in effect for a site, the wireless communications facility shall require the filing of a development permit application.

SECTION 8. Entitlement Approval Procedure

The Director of Community Development shall review the application to insure that the functional arrangement and the general appearance of the installation conforms with the intent and requirements of this resolution. Wireless communications facilities approved by the Director of Community Development shall conform to these standards and guidelines as well as with other City ordinances and policies pertaining to development. All applications that require a special use permit, or a special use permit modification, shall be referred to the Planning Commission for review and approval. If an application is considered by the Director to be a policy or precedent-setting matter, it shall be referred to the Planning Commission for rendering of a decision.

SECTION 9. Miscellaneous

CC & R's: This resolution is not intended to displace or supersede covenants, codes and restrictions (CC & R's) found in title to affected properties within the City of Thousand Oaks that are more restrictive and/or not in conflict with said City policies pertaining to this resolution.

Removal of Facilities: A wireless communications facility which is not actively utilized to receive and transmit wireless communications for a period of 90 days shall be removed by the current owner of the facility upon 30 days notice from the Director of Community Development.

SECTION 10: Applicability

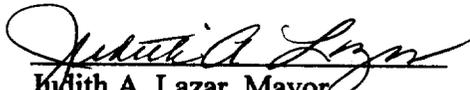
The standards and requirements of this resolution shall not apply to any wireless communications facility which has not been constructed yet but has received all City discretionary permits and entitlements as of this 7th of October, 1997.

SECTION 11: Severability

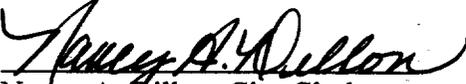
If any section, sentence, clause or phrase of this resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The City Council hereby declares that it would have adopted this resolution, and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

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PASSED AND ADOPTED this 7th day of October, 1997.


Judith A. Lazar, Mayor
City of Thousand Oaks, California

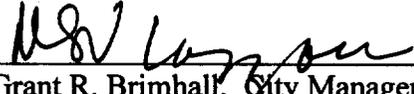
ATTEST:


Nancy A. Dillon, City Clerk

APPROVED AS TO FORM:


Mark G. Sellers, City Attorney

APPROVED AS TO ADMINISTRATION:


Grant R. Brimhall, City Manager
cao:160-45:H:wr4

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) ss.
CITY OF THOUSAND OAKS)

I, NANCY A. DILLON, City Clerk of the City of Thousand Oaks, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 97-197 which was duly and regularly passed and adopted by said City Council at a regular meeting held October 7, 1997, by the following vote:

AYES: Councilmembers Parks, Markey, Fox, Zeanah and Mayor Lazar

NOES: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Thousand Oaks, California.



Nancy A. Dillon, City Clerk
City of Thousand Oaks, California