

TO: Planning Commission

FROM: Kelvin Parker, Community Development Director

DATE: July 1, 2024

SUBJECT: **Wireless Communications Facility (WCF) 2024-70001**

APPLICANT: Triad Group on behalf of DISH Wireless, LLC

LOCATION: 1 West Avenida De Los Arboles

REQUEST:

To allow installation of a wireless communications facility consisting of six antennas with support equipment to be installed within a proposed heightened steeple (to be raised by 16'), associated radio equipment, and an emergency generator within a proposed ground-level equipment enclosure at an existing church (Holy Trinity Lutheran Church) located at 1 West Avenida De Los Arboles (See Attachment #s 1, 2, and 3).

RECOMMENDATION:

That the Planning Commission adopt Resolution (Attachment #4) based on the findings and subject to the conditions contained therein to:

1. Find that the project is Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Class 1 (Section 15301 – Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines; and
2. Approve Wireless Communication Facility WCF 2024-70001 to allow the installation of a stealth wireless telecommunication facility within an existing church steeple.

PLANNING COMMISSION REVIEW

Section 9-4.2104 of the Thousand Oaks Municipal Code requires Planning Commission approval of a Special Use Permit (SUP) for a new wireless communications facility located within a residential zone. The project is located within the RE (Rural Exclusive) Zone.

The Commission may grant the permit if all the following findings can be made:

1. The use is consistent with the General Plan and underlying development permits;
2. The use complies with all applicable laws, regulations, and policies;
3. The use will not be detrimental to public health, safety or welfare;
4. The use conforms with CEQA; and
5. The use is compatible with uses in the vicinity.

NOTICE OF APPLICATION

The project was properly noticed in accordance with the Thousand Oaks Municipal Code, Section 9-12.202–Notice requirements. During the notification period, staff received one email (See Attachment #8) expressing concern about aesthetics, public health, and property value.

BACKGROUND:

The Holy Trinity Lutheran Church with a preschool was approved under SUP 1971-175 in 1972. Subsequent modifications to this SUP allowed the construction of sports courts, sanctuary, and administrative offices.

On February 27, 2024, a Special Use Permit was requested to construct an unmanned wireless telecommunications facility consisting of six (6) dish antennas, (12) radio units, surge suppressors, hybrid cable, and exhaust/intake fans within a 16' Fiber Reinforced Plastic (FRP) extension to the existing church steeple. Ancillary equipment including, but not limited to, equipment cabinets with baseband units (BBUs), telco, power protective cabinets, and an emergency diesel generator will be installed within a proposed equipment enclosure at the ground level.

EVALUATION:

CONSISTENCY WITH THE GENERAL PLAN AND ZONING

The project site has a RE-1AC zoning designation that is consistent with the “Neighborhood Low” designation in the General Plan’s Land Use Element. The proposed wireless facility is an allowed use within the RE zone with the approval of a Special Use Permit.

COMPLIANCE WITH APPLICABLE LAWS, REGULATIONS, AND POLICIES

To provide a uniform and comprehensive set of standards for the development of wireless communications facilities, the City adopted Resolution No. 97-197 (Attachment #5) which regulates the approval, location, and design of wireless communications antennas and facilities. This resolution was adopted on September 2, 1997, and affects all proposed wireless communications facilities. Utilizing a church or other religious building is specifically identified in the resolution as an acceptable location if the facility is constructed as an integral architectural feature (See Section 4(B)(2)(a)(ii)).

Design

The antenna assembly is proposed to be installed within a 10'-6"-high FRP screen mounted above the existing church steeple. Currently, the church's steeple is 49'-6"-high, and with the FRP screen extension, the total height will be 60'. The top of the FRP screen is designed to match the angle of the existing church steeple.

The associated equipment cabinet and emergency generator is proposed to be installed above ground within a new wall enclosure attached to the east side of the church building. The steeple extension and the new equipment enclosure will be constructed of the same materials as the existing church and will be painted to match the church's exterior, as demonstrated in the Project Plan Set (Attachment #6). A condition of approval has been included in the resolution requiring the applicant matches the exterior finish of the enclosure with the brick material used on the church's front elevation.

Project Visibility

Resolution No. 97-197 sets forth guidelines for locating and designing wireless communication facilities to avoid substantially altering scenic viewshed. To comply with Resolution 97-197, the applicant must ensure the design will not have an unreasonably detrimental visual impact.

Staff has determined that the project will have no visual impact. The antennas will be mounted within a common architectural feature associated with churches or other similar religious buildings and any associated conduit or exposed equipment will be painted to match the color of the church. The proposed project will not install a guy-wire or tensioned cable to support the structure. To assess the significance of the visual impact, the applicant has provided photo simulations (See Attachment #7) showing how the steeple would appear with the antennas within.

Alternative Site Analysis

An Alternative Site Analysis is required to explain the site selection process for the proposed wireless telecommunication facility, including information about other sites considered and the reason for each site's rejection. The existing coverage map shows that the area to the north, east, and south of the project site has a significant gap. The applicant's Alternative Site Analysis also states there is insufficient capacity to provide dependable coverage for stationary and in-building coverage. The proposed wireless facility will increase coverage to fill in the current service gap in the area.

The applicant's Alternative Sites Analysis evaluated several sites for the proposed facility and determined that the proposed site is the most suitable, considering compatibility with adjacent development and reduced view impacts. The applicant considered three potential sites at: 1) 2977 Mountclef Boulevard, 2) 3203 Mountclef Boulevard, and 3) 93 W Avenida De Los Arboles before pursuing this location. The first alternate site location is located directly north of the proposed site at the new Fire Station. This site was rejected because the existing building is too low in height to meet the applicant's wireless coverage requirements and a new monopole would be required. The second site is located further north of the proposed site, on the northwest corner of Faculty Rd and Mounclef Blvd, on the California Lutheran Campus. This site was rejected because the buildings on this parcel are too low in height and the property owner was non-responsive to the applicant's lease inquiries. The third site is located directly west of the proposed site and this site was rejected because a new tower, or other architectural feature would be required to meet the applicant's wireless coverage needs. The proposed location will minimize visual impacts and achieve the goal of providing an acceptable level of coverage for wireless services by locating the facility within the church's steeple.

COMPATIBILITY WITH SURROUNDING USES

Appropriateness of Land Use

As specified in Resolution 97-197, a wireless communication facility may be approved with a Special Use Permit in a residential zone provided that the use is 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. The design of the facilities must also satisfy the development standards specified in Resolution 97-197. Section 4(B)(2)(a)(ii) of said standard states that wireless facilities in residential zones must be attached to a structure like churches or other religious buildings, provided that it is an

integral architectural feature of the building. As previously stated, the antennas would be housed within the church's existing steeple, therefore, complying with said requirements.

Staff finds that the project is compatible with the nearby development since it would be housed within an existing architectural feature that would have minimal visual impact. The antenna installation will be completely contained within the church's extended steeple, a common architectural feature of religious buildings. The steeple extension shall be painted to match the existing steeple. Furthermore, the equipment cabinets and emergency generator would be installed inside a new equipment enclosure. No component of the wireless facility would be exposed to public view.

Emergency Generator

An emergency generator is being proposed to provide power to the facility in the event of a power outage. It would be contained within a CMU wall enclosure approximately 90 feet from the nearest residential property, on the east side of the church building across Mountclef Boulevard. The generator would have scheduled monthly tests (running once a month for about 15 minutes) to ensure proper operation.

To ensure minimal disturbance to nearby residents, a condition is included within the Resolution to limit testing times between 2:00 p.m. and 4:00 p.m., Monday through Friday.

PUBLIC HEALTH, SAFETY, OR WELFARE

Technical Review

The City's consulting wireless communications consultant, Dr. Jonathan Kramer of Telecom Law Firm conducted a technical review of the proposed project. Under the Federal Telecommunications Act, the Federal Communications Commission (FCC) has the authority concerning RF emissions regulation and has established rules for human exposure to RF emissions. State and local governments cannot regulate wireless facilities based on environmental effects from RF emissions when the emissions comply with the FCC Guidelines.

Dr. Kramer reviewed the submitted Radio Frequency Report and suggested conditions that will promote planned compliance with FCC Guidelines. These conditions are included in the Proposed Planning Commission Resolution (Attachment #4). Approval of the project would not be detrimental to public health, safety, or welfare since conditions are included to ensure compliance with FCC Guidelines.

ENVIRONMENTAL REVIEW:

The project is Categorically Exempt from the California Environmental Quality Act (CEQA), pursuant to Title 14 of the California Code of Regulations, Chapter 3, Article 19, Section 15301, which allows alterations to existing facilities. No exception set forth in Section 15300.2 of the CEQA Guidelines applies to the project, including but not limited to, Subsection (a), which is related to impacts on environmental resources, Subsection (b) which is related to cumulative impacts, which based on the analysis and gap in service, there are not other projects that falls within FCC limits for RF exposure); and Subsection (c) which is related to unusual circumstances, which the wireless facility is a typical size and height and not unusual). Because this project meets the above criteria, it is exempt from the California Environmental Quality Act (CEQA).

CONCLUSION:

The applicant has demonstrated the need for this site to provide wireless communications services to the area. The project is consistent with the General Plan and approval of the project, as conditioned, would be in compliance with the requirements of the City's Standards and Design Guidelines for the Installation of Wireless Communications Facilities (Res. 97-197) and would not have a detrimental impact on the surrounding neighborhood. Staff is therefore recommending approval of WCF 2024-70001, based on the findings and subject to conditions in the Proposed Planning Commission Resolution.

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Attachments:

- Attachment #1 – Vicinity Map
- Attachment #2 – Location Map
- Attachment #3 – Aerial Photo
- Attachment #4 – Proposed Planning Commission Resolution
- Attachment #5 – Resolution No. 97-197
- Attachment #6 – Project Plan Set and Other Materials
- Attachment #7 – Photo Simulations
- Attachment #8 – Public Correspondence