

CITY OF THOUSAND OAKS

PLANNING COMMISSION

RESOLUTION NO. ____-2024 PC

A RESOLUTION OF THE PLANNING COMMISSION
OF THE CITY OF THOUSAND OAKS APPROVING A
WIRELESS COMMUNICATIONS FACILITY PERMIT
FOR THE USE OF CERTAIN PROPERTY WITHIN
SAID CITY

Application No. WCF 2024-70001

Applicant: Triad Group for DISH Wireless, LLC

Location: 1 West Avenida De Los Arboles

The Planning Commission of the City of Thousand Oaks, California, DOES RESOLVE AS FOLLOWS:

WHEREAS, the applicant has filed with the City an application requesting a Wireless Communications Facility Permit under the provisions of the City of Thousand Oaks Municipal Code to allow installation of a wireless communications facility consisting of six (6) dish antennas, twelve (12) radio units, surge suppressors, hybrid cable, within a newly extended steeple (limited to 60 feet in height), equipment cabinets, and emergency generator within a new equipment enclosure, at an existing church facility located at 1 West Avenida De Los Arboles; and

WHEREAS, on May 15, 2024, a Notice of Application was mailed to all property owners and occupants within a 500-ft radius of the subject property; and

WHEREAS, on May 15, 2024, a Notice of Hearing sign was posted on the subject property; and

WHEREAS, a Notice of Planning Commission Public Hearing was mailed to all property owners of record within a 500-ft radius of the subject site; and

WHEREAS, on June 17, 2024, a Notice of Planning Commission Public Hearing was published in the Ventura County Star, a newspaper of general circulation within the City of Thousand Oaks; and

WHEREAS, the Planning Commission, upon giving the required notice, did, on the 1st day of July 2024, conduct a duly-advertised public hearing as prescribed by law to consider said application; and

WHEREAS, at the July 1, 2024, public hearing, oral and written evidence, including a staff report, were presented and received, and arguments were heard from all interested parties appearing in the matter; and

WHEREAS, the findings of the Planning Commission approving said application are as follows:

1. The project is consistent with the Thousand Oaks General Plan and the City's Standards and Guidelines for Installation of Wireless Communications Facilities (Res. 97-197) which intends to minimize visual impacts to protect the aesthetic quality of the City of Thousand Oaks. Additionally, the project is consistent with the goals and policies of the General Plan as follows:

a) *Community Facilities and Services Goal 2: Support access to high-quality telecommunication services. Policy 2.1 Telecommunication infrastructure. Telecommunication infrastructure should not detract from community aesthetics.* The proposed telecommunications facility will be disguised within a church steeple. The addition of the wireless facility will increase the height of the steeple by 10'-6" feet; however, the height increase is appropriate for the use and design. The steeple design will match the existing exterior materials and existing brick. The wireless facility will not be visible to the public. As proposed, staff finds the steeple design innovative and architecturally compatible with the existing church.

b) *Community Facilities and Service Goal 11: Ensure effective response to a range of emergencies, including multiple simultaneous emergencies. Policy 11.4 Telecommunication siting. Work with the telecommunication providers to ensure that the siting of telecommunication facilities provides efficient, quality service to emergency response providers in the city.* The proposed facility will serve an area where the carrier has identified a coverage gap. The carrier has sited the facility to provide service to its customers but also during an emergency. Additionally, an effort has been made in the design to be architecturally compatible with the existing church.

c) Safety Goal S-9: Protect life and property from the potential effects of terrorism. As part of the development review process, conduct vulnerability assessments of terrorist-sensitive facilities and, where practical, implement measures to protect these facilities against terrorist acts. Terrorist-sensitive facilities include places that are at-risk for terrorism, including, but not limited to, government offices, schools, and religious facilities. The installation of a new wireless facility will provide services where a coverage gap exists that will enhance the ability to have phone service during an emergency, minimizing the loss of life and property. The facility is designed for a single carrier but could potentially allow co-location of an additional carrier.

2. The project complies with all applicable laws, regulations, and policies, including the Thousand Oaks Municipal Code and the City's Standards and Guidelines for the Installation of Wireless Communications Facilities (Res. No. 97-197).
3. The establishment of this facility will not cause individual or cumulative levels of electromagnetic field (EMF) radiation that exceed those levels allowed by Federal law. The applicant has provided an evaluation of the proposed project for compliance with appropriate guidelines limiting human exposure to radio frequency ("RF") electromagnetic fields. The report concludes that the project will comply with the prevailing standards for limiting public exposure to radio frequency energy and therefore, will not for this reason cause a significant impact on the environment. The City obtained a peer review of the report which supported this conclusion. As such, the project will not be detrimental to public health, safety, or general welfare because the applicant has demonstrated planned compliance with FCC Guidelines, and the project, as conditioned complies with the standards outlined in the Wireless Telecommunications Act of 1996.
4. The establishment of this facility has demonstrated a significant and reasonable attempt to minimize stand-alone facilities and is designed to protect the visual quality of the neighborhood. The wireless telecommunication facility will be entirely concealed within the steeple and supporting equipment will be screened within an enclosure that matches the brick of the church.
5. The location, size, design, and operating characteristics of the proposed wireless telecommunication facility will be compatible with the area. The proposed facility will be integrated into the building design and constructed to match the church. In addition, the applicant has provided an aesthetically enhanced design that will blend in with the existing building and surrounding environment.

6. The project has been reviewed in conformance with the provisions of the California Environmental Quality Act. The project qualifies for a Class 1 exemption per Section 15301 (Existing Facilities) of the CEQA Guidelines because the proposed facility involves minor alterations to the existing religious facility.
7. The proposed use will be compatible with the land uses in the vicinity because the antennas and the equipment cabinets within an above-ground equipment enclosure will not result in an unreasonably detrimental visual impact on neighboring residents.

NOW, THEREFORE, BE IT RESOLVED that said application for a Wireless Communications Facility Permit is approved, subject to conformance with the conditions set forth and attached hereto and made a part hereof. Except as otherwise expressly indicated, said conditions shall be fully performed and completed, or at the City’s discretion, shall be secured by bank or cash deposit or other security satisfactory to the City Attorney before the use or occupancy of the property is commenced and before a Final Inspection is approved. The violation of any of the conditions of said Wireless Communications Facility Permit shall be grounds for revocation by the Planning Commission or City Council.

I HEREBY CERTIFY that the foregoing resolution reflects action taken by the Planning Commission of the City of Thousand Oaks at a regular meeting held on the 1st day of July 2024, by the following vote:

AYES: COMMISSIONERS
 NOES: COMMISSIONERS
 ABSENT: COMMISSIONERS

Don Lanson, Chair
 Planning Commission

Fabiola Zelaya-Melicher, Secretary
 Planning Commission

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

1. **Land and Applications** – The Wireless Communications Facility Permit is granted for the land described in the application and any attachments thereto and as noted on the “Project Plans,” submitted on May 15, 2024.
2. **Scope of Permit Approval** – The Wireless Communications Facility Permit is granted to allow the installation of a wireless telecommunications facility consisting of six (6) dish antennas, radio units, surge suppressors, hybrid cable, within an extended church steeple, and associated equipment cabinets with back-up generator contained within a new at-grade enclosure as shown on the “Project Plans,” submitted May 15, 2024, except as indicated otherwise herein.
3. **Approval Period/Use Inauguration** – The Wireless Communications Facility Permit is granted for a three (3) year time period ending July 1, 2027, at which time said permit shall expire unless the use authorized herein has been inaugurated. Use inauguration for this project shall be defined as the installation of the antennas and associated equipment. The applicant may request a time extension of this period, as allowed by Section 9-4.2812(e) of the Thousand Oaks Municipal Code by filing a minor modification application with the Community Development Department prior to the expiration date.
4. **Access Easement** – The applicant shall be responsible for obtaining necessary access easements for the project.
5. **Emergency Generator** – Testing of the backup emergency generator shall be limited to the days of Monday through Friday, between the hours of 2:00 p.m. to 4:00 p.m. Operation outside of the specified periods shall only occur during emergencies or power outages.
6. **Compliance with Applicable Laws, Rules, and Regulations** – The applicant shall at all times comply with any and all local, city, county, state, and federal laws, regulations, and orders now in effect or which may hereafter be enacted pertaining to the approved wireless communications facility or affecting the installation, operation or maintenance of the said facility.
7. **Compliance with City Standards** – The permit shall comply with the Wireless Communications Guidelines set forth in Resolution No. 97-197 unless otherwise modified herein.

8. **Final Plan Submittal** – Prior to the issuance of a zone clearance, final site and elevation plans shall be submitted for approval by the Community Development Department.
9. **Indemnification** – The applicant agrees to defend, indemnify, and hold harmless the City, its agents, officials, and employees from any claim, action, or proceeding against the City or its agents, officials, or employees to attack, set aside, void, or annul an approval of the City. The City shall promptly notify the applicant of any claim, action, or proceeding and the City shall cooperate fully in the defense.
10. **Dedications/Reservations/Public Improvements** – With respect to fees, dedications, reservations, and construction of public improvements, as required by the project development conditions, the applicant is advised pursuant to Government Code Section 66020, that the 90-day protest period has commenced upon approval of the proposed development conditions by the City.
11. **Signed Acceptance of Conditions** – A signed acceptance of the conditions executed by the applicant and property owner or his duly authorized representative shall be returned to the Community Development Department prior to the issuance of a building permit.

Design

12. **Wireless Facility Concealment** – All antennas or transmitters and associated array mounts shall be concealed within the church's steeple. façade. The materials and colors for the steeple extension and equipment enclosure shall be given a treatment to match the exterior colors and materials of the steeple and the church building. The FRP concealment and equipment enclosure shall be maintained to match the church's brick façade. Guy wires or support structures are prohibited at all times.
13. **Maintenance of Equipment** – The antennas and above-ground equipment shall be kept in a properly maintained condition throughout the operation of the facility.

Height

14. **Steeple Extension** – The measured from the highest point of the proposed steeple extension shall be limited to 60' from grade. No antenna or transmitter shall be placed higher than the top of the steeple as indicated on the "Project Plans" submitted on May 15, 2024.

Lighting

15. **Lighting Prohibition** – No lighting shall be permitted on the steeple, or any above-ground equipment, except for emergency purposes.
16. **Signage** – No signage shall be permitted except to comply with FCC requirements and for security purposes, and then only subject to the review and approval of the Community Development Department.
17. **Modification Application** – Any expansion or modification of the facility shall require the filing and approval of the appropriate modification application to this Wireless Communications Facility Permit by the City.
18. **Hours of Construction** – The hours of construction shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction activity shall be permitted on Sunday. In addition, there shall be no congregation of workers or construction-related vehicles at the project site or in the nearby residential area before 7:00 a.m. and after 7 p.m. The warming up of equipment engines shall not be permitted prior to the authorized construction hours.
19. **Outdoor Storage** – No materials related to the wireless facility shall be stored outside of the enclosure, including but not limited to hardware, vehicles, or any materials related to the maintenance of this site.
20. **Technological Improvements** – The discontinued or reduced utilization of all or part of this property shall require removal of the equipment and related improvements and restoration of all or the unused parts of the site to a natural appearing condition within a maximum of one year. Further, as technology improves to allow less intrusive equipment (smaller antennas, less noticeable, etc.), the applicant shall remove the existing equipment and replace it with the less intrusive equipment within three years.
21. **Co-location** – This permit does not preclude the City from allowing any additional wireless communications facilities or leases of any type on this site.

FCC Planned Compliance

22. **Equipment Enclosure** – The permittee shall always keep the access doors, gates, hatches, and ladders to the steeple locked, except when active maintenance is performed on the rooftop or equipment.
23. **Radio Frequency Signage** – The permittee shall ensure that all federally-required radio frequency signages are installed and maintained at all times in good condition. All such radio frequency signage shall be constructed of

hard materials and be UV stabilized. All radio frequency signage must comply with the sign colors, sign sizes, sign symbols, and sign panel layouts in conformance with the most current versions of ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards. All such radio frequency signage, or additional signage immediately adjacent to the radio frequency signage, shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.

In the event that the FCC changes radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 standards that are applicable to the project site approved herein, the Permittee, shall, within 30 days of each such change, at its own cost and expense, replace the signage at the project site to comply with the revised standards.

24. **Equipment Vents** – Equipment vents on the extended steeple shall be installed away from the front façade of the steeple. Any vent on the steeple shall be installed on the sides or the rear of the steeple.

PUBLIC WORKS DEPARTMENT CONDITIONS

Development Engineering

25. **Encroachment Permit** – Where any construction occurs within the public right-of-way, an encroachment permit shall be obtained, plan check and inspection fees paid, an approved traffic control submitted, and bond/security posted (if required) prior to initiating construction of any improvements.

FIRE DEPARTMENT CONDITIONS

26. **Fire Code Permits** – Applicant and/or tenant shall obtain all applicable Operational Fire Code Permits prior to occupancy or use of any system or item requiring an operational permit in accordance with Section 105 of the California Fire Code.
