

## **17.12.050 - Antennas/Wireless communication facilities.**

### **A.**

Purpose and Intent. The purpose of this section is to control the installation of antennas and related wireless communication facilities. It is the city's intent to encourage new and more efficient technology in enhancing telecommunications within the city. It is recognized that unrestricted installations are contrary to the city's efforts to stabilize economic and social aspects of neighborhood environments, and the city's efforts to promote safety and aesthetic considerations, family environments and a basic residential character within the city. It is the intent of this section to permit wireless communication facilities where they can be installed without creating an adverse economic, safety and aesthetic impact on nearby properties and the overall community.

### **B.**

Applicability. This section applies to all proposed antennas and related wireless communication facilities, as follows:

#### **1.**

All facilities for which applications were received by the department but not approved prior to the effective date of this section, shall comply with the regulations and guidelines of this section;

#### **2.**

All facilities for which applications were approved by the city on or prior to the effective date of the ordinance codified in this title shall be exempt from the regulations and guidelines of this section, except for the validation, monitoring, and abandonment requirements of subsections (C)(5), (C)(6), (C)(7) and (C)(8) of this section;

#### **3.**

All facilities which have been previously approved, but are now or hereafter modified, expanded, reduced, or for which the permit of approval is now or hereafter subject to renewal shall comply with the regulations and guidelines of this section.

### **C.**

Standards for wireless communication facilities not located within the public right-of-way. All wireless communication facilities not located within the public right-of-way shall comply with the following requirements:

#### **1.**

Permit Requirements. No wireless communication facility shall be installed without first having obtained (i) approval from the commission; (ii) a building permit; and (iii) any other permits required by the city. Submittal of an application does not guarantee approval of the proposed facility. All wireless communication facilities shall require commission approval of a conditional use permit prior to issuance of a building permit.

#### **2.**

Application Content. Applications for the approval of wireless communication facilities shall include the following information, in addition to all other information required by the city for a conditional use permit application:

##### **a.**

Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in subsection 3(d) of this section; and

##### **b.**

Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing visual impacts of the proposed facility and its compliance with the provisions of this section;

##### **c.**

A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator within the city. The master plan shall reflect all potential locations that are anticipated for construction within one year of submittal of the application. Applicants are prohibited from filing applications that are not consistent with the master plan for a period of one year from approval of a conditional use permit unless the applicant can demonstrate that conditions have changed materially which could

not have been reasonably anticipated or known to justify the need for a wireless communication facilities site not shown on a master plan submitted to the city within the prior year.

**3.**

**Location Requirements.** In order to minimize their aesthetic and visual impact on the surrounding community, to the extent feasible, the placement of all wireless communication facilities shall comply with the following standards:

**a.**

**General Requirement.** Ground-mounted facilities shall be located only in proximity to existing above ground utility poles (which are not scheduled for eventual undergrounding), light poles, structures, or trees of comparable height. All requested placements must be consistent with the locations presented in the master plan, except as set forth in subsection (C)(2)(c) of this section.

**b.**

**Restricted Locations.** Wireless communication facilities located in any of the following locations must be designed as a camouflaged facility:

**i.**

Within any nonresidential zoning district on a site that contains a legally established residential use;

**ii.**

Within the Old Town overlay zone;

**iii.**

On any property that is designated historic by the council; and,

**vi.**

Within the area subject to the Calabasas Park Centre Master Plan;

**v.**

Within a city designated scenic corridor.

**c.**

**Prohibited Locations.** No wireless communication facility shall be established on any ridgeline or within any residential zoning district described in subparagraphs (i) and (ii) herein. Notwithstanding the foregoing, wireless communication facilities may be located within these locations if the applicant (i) files a conditional use permit application with the city; and (ii) provides technically-sufficient conclusive proof that the proposed location is necessary for the provision of personal wireless services to substantial areas of the city. Conditional use permit applications shall be subject to city approval as set forth in Section 17.62.060 of this development code.

**i.**

**Ridgelines.** No wireless communication facility shall be placed on or near a ridgeline so that it appears silhouetted against the sky when viewed from Las Virgenes Road, Mulholland Highway, Old Topanga Canyon Road or the Ventura Freeway.

**ii.**

**Residential Zoning Districts.** No facility shall be located within a residential zoning district, including areas set aside for open space, parks or playgrounds.

**d.**

**Guidelines for Placement on Structures.** Antennas shall be mounted on structures utilizing the methods indicated in subsections (i) and (ii) herein. If a wireless communication facility cannot be mounted as set forth in these subsections, such facility may be mounted in accordance with subsection (iii):

**i.**

A camouflaged facility mounted on an existing structure or to a façade, roof or co-located tower;

**ii.**

A camouflaged facility mounted on an existing steel or concrete pole, including a light standard; or

iii.

A camouflaged facility mounted on a new steel, wood or concrete pole.

4.

Design and Development Standards. Wireless communication facilities shall be designed and maintained as follows:

a.

The facilities shall have subdued colors and nonreflective materials which blend with the materials and colors of the surrounding area and structures. The height of the facility shall also be consistent with surrounding structures.

b.

Building-mounted facilities shall be designed and constructed to be fully screened in a manner to be compatible with the existing architecture, of the building the facility is mounted to, in color, texture and type of material.

c.

Ground-mounted facilities shall be designed and constructed to be fully screened, to the maximum extent possible, through the use of landscaping as recommended and approved by the director.

d.

The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

e.

All accessory equipment associated with the operation of the wireless communication facility shall be located within a building, enclosure or underground vault that complies with the development standards of the zoning district in which the accessory equipment is located.

5.

Validation of Proper Operation. For any wireless communication facility site that is not "categorically excluded" as that term is defined in FCC Office of Engineering and Technology Bulletin 65 ("FCC OET Bulletin 65"), as may be amended, the applicant facility shall provide the director a technically detailed report prepared by a qualified engineer verifying that the operation of the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC OET Bulletin 65 prior to the commencement of unattended operations at the site. The city reserves the right to require that a city-representative be present for that verification testing, and that the applicant reimburse the city for its actual costs in observing and verifying that testing.

6.

Monitoring Requirements. Every approved wireless communication facility shall, every five years or sooner upon any replacement or alteration of any transmitter or antenna or material RF emission increase, submit to the city a technically sufficient report stating the compliance of the facility with FCC OET Bulletin 65. This report shall be prepared by a qualified engineer.

7.

Abandonment. Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from a property, at the applicant, the operator or property owner's expense, no later than ninety (90) days after the discontinuation of its use. Abandonment for a period in excess of ninety (90) days shall also constitute a voluntary termination of the conditional use permit by the applicant. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have ninety (90) days to remove the facility or provide the planning director with evidence that the use has not been discontinued. All facilities not removed within the required ninety-day period shall be in violation of the code and the applicant, operator, and property owner shall be subject to subsection (C)(8) of this section. In the event that the city is required to remove the facility, the city shall be reimbursed, by the applicant, the operator, or the property owner for all expenses incurred

for the removal. The applicant, operator, and property owner shall be jointly and severally liable for the payment of all costs and expenses related to the removal of the facilities. Operators of a facility shall notify the city, in writing, of their intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completion of the abandonment, the site shall be restored to its original condition at the applicant, operator or property owner's expense.

**8.**

Violations. The city may terminate a conditional use permit for any wireless communication facility in violation of this section in accordance with Section 17.80.070 of this development code. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

**D.**

Standards for Wireless Communication Facilities Located Within the Public Right-of-Way. All wireless communication facilities located within the public right-of-way shall comply with the following requirements to the fullest extent permitted by state and federal law:

**1.**

Applicability: In addition to new wireless communication facilities, the criteria set forth in this subsection shall also apply to any modifications to existing wireless communication facilities located within the public right-of-way to the fullest extent permitted by state and federal law.

**2.**

Permit Requirements: A request to construct or modify a wireless telecommunication facility located within the public right-of-way shall require all of the following: (i) a zoning clearance from the department, (ii) an encroachment permit from the public works department, and (iii) any other permit required by applicable provisions of the city code including a building permit, an electrical permit, or an oak tree permit. All new facilities and substantial modifications to existing facilities shall be first reviewed by the development review committee. All zoning clearance applications will be scheduled for a public hearing with the director in accordance with Section 17.78 of this development code. Facilities that do not meet the guidelines in subsection (D)(4), of this section may be approved only upon issuance of a conditional use permit pursuant to Chapter 17.62.060 of this development code.

**3.**

Application Content. To permit the city to decide wireless communication facilities siting based on substantial evidence in the administrative record as required by federal law, applications for the approval of wireless communication facilities shall include the following information, in addition to all other information required by the city for a zoning clearance and conditional use permit application:

**a.**

Written documentation demonstrating a good faith effort in locating facilities in accordance with the location requirements in subsection 3(d) of this section; and

**b.**

Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing visual impacts of the proposed facility and its compliance with the provisions of this section;

**c.**

A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator within the city. The master plan shall reflect all potential locations that are anticipated for construction within one year of submittal of the application. Applicants are prohibited from filing applications that are not consistent with the master plan for a period of one year from approval of a conditional use permit unless the applicant can demonstrate that conditions have changed materially which could not have been reasonably anticipated or known to justify the need for a wireless

communication facilities site not shown on a master plan submitted to the city within the prior year.

4.

Guidelines. All wireless communication facilities located within the public right-of-way shall be designed as follows:

a.

Facilities shall have subdued colors and non-reflective materials which blend in with the surrounding area as recommended and approved by the director.

b.

Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as recommended and approved by the director.

c.

Facilities located within a designated scenic corridor shall be of a camouflage design, with all equipment, excluding required electrical meter cabinets, to be located underground, or pole-mounted. Required electrical meter cabinets shall be screened as recommended and approved by the director.

d.

Pole-mounted equipment shall not exceed six cubic feet.

e.

Antennas must be installed on existing utility or light poles. No new poles may be installed except as replacement for existing poles. An exception to this requirement shall be where an operator shows that it cannot otherwise close a significant gap in its radio frequency coverage from any other site or combination of sites. All installations shall be properly engineered to withstand high wind loads. An evaluation of high wind load capacity shall include the impact of an additional antenna installation on a pole with an existing antenna.

i.

Utility poles: The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of the existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen (16) feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95.

ii.

Light poles: The maximum height of any antenna or antenna radome shall not exceed six feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than sixteen (16) feet above any drivable road surface.

f.

Wireless communication facilities not located within a designated scenic corridor should place all equipment underground, excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed such that it shall not exceed a height of five feet and a total footprint of fifteen (15) square feet.

g.

Equipment shall be located so as not to cause (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) an inconvenience to the public's use of the public right-of-way, or (iii) safety hazards to pedestrians and motorists. In no case, shall ground-mounted equipment, walls, or landscaping, be less than eighteen (18) inches from the front of the curb.

h.

Facilities shall not be located within five hundred (500) feet of another wireless facility on the same side of the street.

i.

All facilities shall be built in compliance with the Americans with Disabilities Act (ADA).

5.

Findings. No proposed wireless communication facility within the public right-of way may be approved unless the following findings are made:

a.

The facility is necessary in order for the operator to close a significant gap in its radio frequency coverage and provide sufficient service coverage to the general public.

b.

The location of the proposed facility represents the best possible location in order for the applicant to provide the service coverage needed by the operator.

c.

The proposed facility has been designed to blend in with the surrounding environment, with minimal visual impact to the public right-of-way.

d.

The proposed facility will not have an adverse impact to the normal use of the public right-of-way, including but not limited to, the movement and visibility of vehicles and pedestrians.

6.

Conditions of Approval: In addition to compliance with the guidelines outlined in subsection (D)(4), of this section, all facilities shall be subject to the following conditions:

a.

Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as authorized by the city.

b.

For any wireless communication facility site that is not "categorically excluded" as that term is used in FCC Office of Engineering and Technology Bulletin 65 ("FCC OET Bulletin 65"), as may be amended, an applicant shall provide the director a technically detailed report prepared by a qualified engineer verifying that the operation of the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC OET Bulletin 65 prior to commencement of unattended operations of the site. The city reserves the right to require that a city-representative be present for that verification testing, and that the applicant reimburse the city for its actual costs in observing and verifying that testing.

c.

Wireless communication facilities that were lawfully installed and are no longer operating shall be removed from the public right-of-way no later than ninety (90) days after the discontinuation of its use. Operators of the facility shall notify the city, in writing within ten (10) days, of their intent to abandon a permitted site. Removal shall comply with all applicable health and safety regulations of the city, state, or federal government. Upon completion of abandonment, the site shall be restored to its original state. A written notice of the determination of abandonment shall be sent or delivered to the operator of the wireless communication facility. The operator shall have thirty (30) days to remove the facility or provide the director with evidence that the use has not been discontinued. All facilities not removed within thirty (30) days shall be removed by the city and the city shall pursue cost recovery to the fullest extent possible. The applicant and operator shall be jointly and severally liable for the payment of all costs and expenses related to the removal of the facilities from the public right-of-way.

d.

Each wireless communication facility that has been issued an encroachment permit shall be subject to review for public health, safety and general welfare. In the event of non-compliance, the director may require modifications of existing conditions in order to bring the site into compliance.

e.

The applicant and operator of the facility shall defend, indemnify and hold the city and its elective and appointed boards, commissions, officers, agents, consultants and employees harmless from and against all demands, liabilities, costs (including attorneys' fees), or damages claimed by third parties against the city which were incurred by said third parties as a result of the city's review and or approval of the design, construction, operation or maintenance of the approved project described herein and/or arising out of or connected with any work done or use of the public right-of-way by applicant or operator under any permit granted hereunder. In the event a legal challenge is made to the city's approval of the encroachment permit, the applicant and operator of the facility shall indemnify, hold harmless, pay all costs, including attorneys' fees, and provide a defense for the city and its elective and appointed boards, commissions, officers, agents and employees in such action.

f.

If, at any time after ten (10) years of the issuance of an encroachment permit, or a shorter period as permitted by Government Code Section 65964(b), any wireless communication facility or any portion thereof within the public right-of-way becomes incompatible with public health, safety or welfare or the public's use of the public right-of-way, the applicant or operator of the facility will, at its own expense, remove and such facilities in cases where such removal is necessary or in cases where relocate such facility to a location approved by the city.

g.

Wireless communication facilities shall not be located within any portion of the public right-of-way interfering with access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, and all other vital public health and safety facilities.

h.

Any approved wireless communication facility within the public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director for the purpose of (i) protecting the public health, safety, and welfare; (ii) preventing interference with pedestrian and vehicular traffic; or (iii) preventing damage to the public right-of-way or any property adjacent to it. Prior to the director of public works imposing additional conditions, changes, or limitations, he or she shall notify the applicant or operator, in writing, either by mail to the address set forth in the application or other address on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.

i.

An applicant shall not transfer the permit to any person prior to completion of construction of a wireless communication facility

j.

The applicant or operator of the wireless communication facility shall not move, alter, temporarily relocate, change, or interfere with any existing facility without the prior consent of the owner of that facility. No structure, improvement or facility owned by the city shall be moved to accommodate a wireless communication facility unless (i) the city determines, in sole and absolute discretion, that such movement will not adversely affect the city or any surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant operators of any wireless communication facility shall assume full liability for damage or injury caused to any facilities or persons by his, her, or its facility. Prior to commencement of any work pursuant to an encroachment permit issued for any wireless communication facility within the public right-of-way, the applicant shall provide the city with documentation establishing to the city's satisfaction that he applicant has the legal right to use or interfere with any other facilities within the public right-of-way to be affected by applicant's facilities.

k.

Should any utility company offer electrical service that does not require the use of a meter cabinet, the applicant or operator of the facility agrees at its sole cost and expense to remove the meter cabinet and any foundation thereof and reasonably restore the area to its prior condition.

7.

Construction: These standards are intended to exert the maximum authority available to the city in the regulation of wireless communications facilities under applicable state and federal law but not to exceed that authority. Accordingly, this section shall be construed and applied in light of any such limits on the city's authority.

E.

Standards for Satellite Antennas. Satellite antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulations of the Federal Communications Commission. Satellite antennas with a diameter larger than one meter in residential areas and two meters in commercial or industrial areas shall also comply with the following requirements; provided these provisions are not in conflict with applicable state and federal regulations.

1.

Permit Requirement. Zoning clearance shall be required for satellite antennas with a diameter of one meter or less; administrative plan review approval shall be required for antennas larger than one meter. A conditional use permit shall be required for antennas greater than one meter that are located within a designated scenic corridor.

2.

Application - Plans. Plans for satellite antennas shall be submitted with each application for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to approval of the director.

3.

Location. No satellite antenna shall be located within any required front or street side yard setbacks in any zoning district. In addition, no portion of a satellite antenna shall extend beyond property lines.

4.

Color. A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color, such as, earth-tones, gray, or black, and, to the extent possible, be compatible with the appearance and character of the surrounding neighborhood.

5.

Wiring. All electrical and antenna wiring shall be placed underground whenever possible.

6.

Residential Districts. In any residential zoning district, all satellite antennas shall be subject to the following standards:

a.

Only ground-mounted satellite antennas shall be permitted. Ground mounted antennas shall as much as is technically possible be located in the rear yard of any property;

b.

The height of the satellite antennas shall not exceed fifteen (15) feet;

c.

Only satellite one antenna may be permitted on any single family residential site. At multiple family residential sites, only one antenna shall be permitted per dwelling unit;

d.

The satellite antenna shall be separated from adjacent properties by at least a six-foot high solid wall or fence or by plants or trees of equal minimum height;

e.

Any satellite antenna that is taller than adjacent property line fences shall be located away from the side or rear property line at a distance equal to or greater than the height of the antenna;

**f.** The diameter of the satellite antenna shall not exceed two meters. This provision may be modified by the director if the applicant provides a technically sufficient study prepared by a qualified engineer demonstrating to the director's satisfaction that strict compliance would result in no satellite reception; and,

**g.** The satellite antenna shall be used for private, noncommercial, purposes only.

**7.** Nonresidential Districts. In any nonresidential zoning district, satellite antennas may be roof or ground-mounted. These antennas shall be subject to the following:

**a.** If roof-mounted, the satellite antennas shall be screened from ground view by a parapet or other type of city-approved screening. The minimum height and design of the parapet, wall, or screening shall be subject to the approval of the director;

**b.** If ground-mounted, the satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;

**c.** The location and height of the satellite antennas shall comply with all requirements of the underlying zoning district; and

**d.** If the subject site abuts a residential zoning district, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless otherwise screened from view.

**F.** Standards for Amateur Radio Antennas. All amateur radio antennas shall be designed, constructed and maintained in the following manner:

**1.** The maximum height shall not exceed forty (40) feet, measured from finished grade;

**2.** Any boom or other active element/accessory structure shall not exceed twenty-five (25) feet in length;

**3.** The antennas may be roof or ground mounted; and

**4.** May not be located in any front or side yard setbacks;

**5.** These standards in this subsection G are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1 and California Government Code 65850.3 regulations, and where such modification or waiver is based on technically sufficient information provided in writing by the applicant at the direction of the city.

**G.** Effects of Development on Antenna Reception. The city shall not be liable if development within the city after installation of the antenna impairs to any degree antenna reception, transmission, utility, or function.