

Wireless Telecommunication Facilities Ordinance

Proposed Initial Study/Negative Declaration

Prepared by:

City of Calabasas
Planning and Community Development Department
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January 30, 2012

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INTRODUCTION

This Initial Study/Negative Declaration (IS/ND) addresses the potential environmental effects from a Development Code Amendment to revise existing standards and regulations, along with permitting requirements, applicable to the installation and modification of wireless telecommunication facilities in the City of Calabasas.

LEGAL AUTHORITY

This Initial Study/Negative Declaration has been prepared in accordance with the California Environmental Quality Act (CEQA) Guidelines, the City's CEQA Guidelines, and relevant provisions of CEQA of 1970, as amended.

Initial Study. Section 15063(a) of the CEQA Guidelines provides that an Initial Study is the proper preliminary method of analyzing the potential environmental consequences of a project. The purposes of the Initial Study set forth in Section 15063(c) include in part:

- (1) To provide the Lead Agency with the necessary information to decide whether to prepare an Environmental Impact Report (EIR), a Negative Declaration (ND), or a Mitigated Negative Declaration (MND);
- (2) To enable the Lead Agency to modify a project, mitigating adverse impacts, thus avoiding the need to prepare an EIR; and
- (3) To provide documentation of the factual basis for the finding in a Negative Declaration, based on the record as a whole, that the project will not have a significant effect on the environment.

Negative Declaration or Mitigated Negative Declaration. Section 15070 of the CEQA Guidelines states that a public agency shall prepare a Negative Declaration or Mitigated Negative Declaration for a project subject to CEQA when:

- (1) The Initial Study shows that there is no substantial evidence, in light of the whole record before the agency, that the project may have a significant effect on the environment; or
- (2) The Initial Study identifies a potentially significant effect on the environment; but
 - (b) Revisions in the project plans or proposals made by, or agreed to by, the applicant before a proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and
 - (c) There is no substantial evidence, in light of the whole record before the agency, that the project as revised may have a significant effect on the environment.

EVALUATION OF ENVIRONMENTAL IMPACTS

(Requirements specified in CEQA Guidelines, Appendix G)

The following sections of this IS/ND provide discussions of the possible environmental effects of the proposed project for specific issue areas that have been identified in the CEQA Initial Study Checklist. For each issue area, potential effects are discussed and evaluated.

A "significant effect" is defined by Section 15382 of the CEQA Guidelines as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance."

According to the CEQA Guidelines, “an economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant.”

The following information applies to the Initial Study Checklist:

- 1) A brief explanation is required for all answers except “No Impact” answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (D). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning Ordinances). Reference to a previously prepared

or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Initial Study

Project Title: Wireless Telecommunication Facility Ordinance

File No.: 120000070

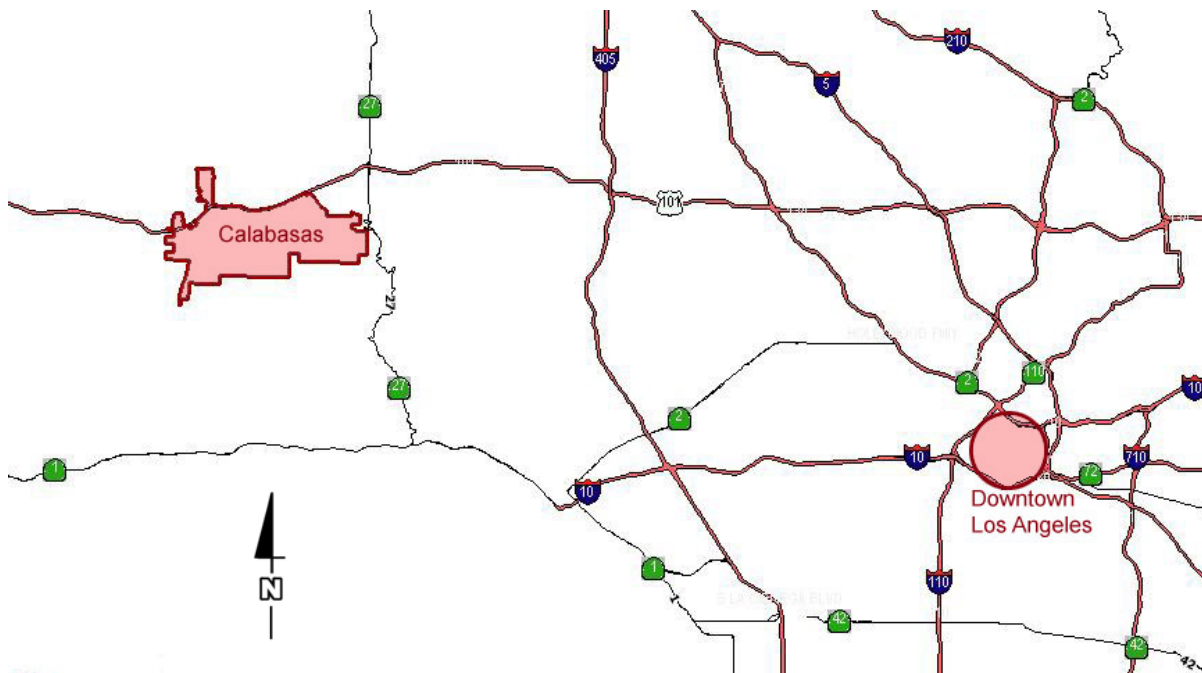
Lead Agency Name & Address: City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Contact Person and Phone #: Tom Bartlett, City Planner
(818) 224-1703

Project Sponsor: City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Project Location: The project site is located in western Los Angeles County, within the City of Calabasas. The City of Calabasas is located approximately 30 miles from downtown Los Angeles and 50 miles from Orange County. As illustrated on Figures 1 and 2, the project site is located Citywide.

Figure 1—REGIONAL LOCATION MAP



General Plan Designation:	N/A
Zoning:	N/A
Project Description:	The project is a Development Code Amendment to adopt a Wireless Telecommunication Facilities Ordinance. Specifically, the Ordinance amends section 17.12.050 of the Calabasas Municipal Code. A copy of the Ordinance is included as Attachment 1. The Ordinance would modify the existing set of standards and regulations, along with permit requirements, for the installation of wireless telecommunication facilities (facilities) in the City. These include installations on private property, public property and in the public right-of-way (ROW).
Project Setting:	Citywide
Surrounding Land Uses & Setting:	The project applies Citywide. The City is bordered by unincorporated Los Angeles County and Ventura County to the north; City of Los Angeles and unincorporated Los Angeles County to the east; unincorporated Los Angeles County to the south; and unincorporated Los Angeles County and the City of Agoura Hills to the west. See Figure 1 for the Location Map.
Other public agencies whose approval is required:	None

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

<input type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture Resources	<input type="checkbox"/> Air Quality
<input type="checkbox"/> Biological Resources	<input type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils
<input type="checkbox"/> Hazards & Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality	<input type="checkbox"/> Land Use/Planning
<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	<input type="checkbox"/> Population/Housing
<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	<input type="checkbox"/> Transportation/Traffic
<input type="checkbox"/> Utilities/Service Systems	<input type="checkbox"/> Greenhouse Gasses	<input type="checkbox"/> Mandatory Findings of Significance

DETERMINATION (To be completed by the Lead Agency):

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: January 30, 2012 Signature: _____

Tom Bartlett

Title: City Planner

Phone: (818) 224-1710

Date received for filing and posting: _____

EVALUATION OF ENVIRONMENTAL IMPACTS

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
1. AESTHETICS. Would the project:				
(a) Have a substantial adverse effect on a scenic vista?	_____	_____	_____	x
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?	_____	_____	_____	x
(c) Substantially degrade the existing visual character or quality of the site and its surroundings?	_____	_____	_____	x
(d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	_____	_____	_____	x
(e) Impact any existing streetscape or public space which has been designed to provide areas of public assembly and congregation?	_____	_____	_____	x

DISCUSSION:

a)-e) The Ordinance contains provisions to ensure that facilities are compatible with the character of Calabasas and that address the issue of aesthetics. In particular, these include: design and development standards (size, height, color, materials, blending methods, lighting, and signage); monitoring and maintenance requirements; and location requirements. In particular, the Ordinance requires that all facilities utilize camouflaging or screening to reduce visual impacts of facilities to the maximum extent possible. Furthermore, the proposed modifications to the existing wireless telecommunication Ordinance do not lessen the existing aesthetic requirements. In fact, the proposed Ordinance includes additional requirements for all facilities to be properly screened and designed to blend in with the surrounding environment. The Ordinance also has provisions for removal of abandoned facilities. As such, it would result in **no impacts** to aesthetics with regard to scenic vistas, scenic resources, degrading the existing visual character, creating new sources of light or glare, or affecting areas of public assembly and congregation. The timing, extent and location of future facilities are speculative. Individual applications for facilities would be reviewed and assessed for CEQA consistency as they are submitted for review, separate from this IS/ND. At that time, the specific details of the facility being proposed and the physical changes would be assessed for aesthetic impacts per CEQA and also assessed for compliance with the provisions of the Ordinance.

Mitigation:
None required.

Environmental Factors

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
(a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				x
(b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				x
(c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				x

DISCUSSION:

a)-c) The City of Calabasas does not contain any agricultural resources (such as prime farmland, unique farmland, and farmland of statewide importance) or lands currently zoned for agricultural uses (other than for fuel modification purposes). Furthermore, there are no Williamson Act contracts within the City. Therefore, Ordinance adoption would result in **no impacts** to agriculture resources.

Mitigation:
None required.

Environmental Factors

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
(a) Conflict with or obstruct implementation of the applicable air quality plan?				x
(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				x
(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				x
(d) Expose sensitive receptors to substantial pollutant concentrations?				x
(e) Create objectionable odors affecting a substantial number of people?				x

DISCUSSION:

a)-c) The City of Calabasas is located within the South Coast Air Basin, and is governed by the South Coast Air Quality Management District (SCAQMD). In general, most wireless telecommunication facilities do not generate pollutants. In any case, according to the Air Quality Management Plan

(AQMP), a project must conform to the local General Plan and must not result in or contribute to an exceedance of the City’s projected population growth forecast. As described in the discussion of Item (9) LAND USE AND PLANNING of this document, the Ordinance is consistent with the General Plan’s goals and policies, and does not propose a type of development that was not anticipated in the General Plan. While individual projects regulated by the Ordinance may have short-term air impacts related to construction, the location and timing of such future facilities are speculative. Thus, as each facility application is submitted and reviewed by the City, the project would be analyzed per CEQA, separate from this document, regarding potential air quality impacts from the particular project. Therefore, there would be **no impact** to air quality from adoption of the Ordinance.

Mitigation:
None required.

- d)-e) The proposed Ordinance seeks to modify standards for placement of new wireless telecommunication facilities, modifications of existing facilities, and processing standards. The proposed new standards will place stricter regulations on the placement of new or expansion of existing facilities, likely resulting in less facilities being constructed. Therefore, there would be **no impact** to air quality emissions from the Ordinance adoption. Additionally, it is unknown where and when such facilities might be proposed. As individual facility projects are proposed, they would be assessed separately from this document as part of environmental review, including being evaluated for potential air quality impacts, such as exposing sensitive receptors to substantial pollution concentrations and creating objectionable odors. Also, as stated above in Items a)-c), it should be noted that wireless telecommunication facilities do not normally contribute substantially to pollutant concentrations nor do they create objectionable odors.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
4. BIOLOGICAL RESOURCES. Would the project:				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
(b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				x
(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				x

e), f) The proposed Ordinance will place stricter requirements on the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities, likely resulting in the construction of fewer facilities. Furthermore, the proposed Ordinance does not alter existing Ordinances that govern the protection of oak trees. Any future proposals for facilities, the timing and location of which are speculative at this time, would be a separate application and project under CEQA, and at that time, oak trees would be considered. As a result, Ordinance adoption would not adversely affect oak trees, and there would be **no impact**.

Mitigation:
None required.

g) There are no habitat conservation plans (HCPs) or Natural Communities Conservation Plans (NCCPs) or other conservation plans in or near the City, so there would be **no impact**.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
5. CULTURAL RESOURCES. Would the project:				
(a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?				x
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?				x
(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				x
(d) Disturb any human remains, including those interred outside of formal cemeteries?				x
(e) Result in physical disruption of an identified sacred place or other ethnographically documented location of significance to native Californians?				x

DISCUSSION:

a)-e) The proposed Ordinance does not modify existing requirements for the construction of wireless telecommunication facilities located in historic areas or on historic properties. However, the proposed Ordinance will place stricter requirements on the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities, likely resulting in the construction of fewer facilities. Furthermore, it is unknown at this time where and when such facilities might be proposed. Any proposal to construct a facility would be analyzed separately under CEQA as part of project specific environmental review as a proposal is submitted to the City, which would need to consider potential site specific cultural resources. The Ordinance does not contain any regulations, requirements or standards that would prevent the proper treatment of cultural resources, if found, under CEQA. Furthermore, any project located within Old Town Calabasas overlay zone or on a property that is designated historic by the City, will be reviewed by

the City’s Historic Preservation Commission to ensure protection of cultural resources. Therefore, the Ordinance adoption would result in **no impacts** to cultural resources.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
6. GEOLOGY & SOILS. Would the project:				
(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
(i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				x
(ii) Strong seismic ground shaking?				x
(iii) Seismic-related ground failure, including liquefaction?				x
(iv) Landslides?				x
(b) Result in substantial soil erosion or the loss of topsoil?				x
(c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				x
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				x
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				x

DISCUSSION:

a)-e) Per the City’s General Plan and Program EIR, there are no active or inactive faults within the City limits, and so potential hazard from fault rupture is remote. There are several active and/or potentially active faults in the surrounding region, however, that could produce ground shaking in the area. Other geologic or soil conditions are specific to individual sites. The timing and location of future facilities is speculative. Any proposal to construct a facility would need to be analyzed separately under CEQA as part of project specific environmental review. The site specific geologic and soils conditions and the type of facility would be assessed at that time for the actual development project. Accordingly, plans for any future wireless telecommunication facilities will be subject to the adopted California Building Code requirements and local building code related to seismic risk factors. Nonetheless, the proposed Ordinance will place stricter requirements on the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities, likely resulting in the construction of fewer facilities. In fact, additional setback regulations from habitable structures to freestanding towers will provide greater

protection to property owners. Therefore, the Ordinance adoption would result in **no impact** to geology and soils.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
(a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?				x
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				x
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				x
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				x
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				x
(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				x
(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				x
(h) Expose people or structures to a significant risk of loss, injury or death involving wildfires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				x

DISCUSSION:

a)-c) The proposed Ordinance seeks to modify existing standards regulating the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities. With the exception of a few facilities that have back-up generators, wireless telecommunication facilities are not generally associated with the use, storage or transport of hazardous materials. Existing City standards regulating the use, storage and transport of hazardous materials will not be modified by this Ordinance. Furthermore, any future facility proposal would be analyzed for potential hazardous effects under CEQA, and would need to undergo separate project and environmental review, where these issues would be further analyzed. Currently, the location and timing of such proposals is speculative. Therefore, the Ordinance adoption would result in **no impact**.

The Ordinance has been prepared in light of the following Federal Telecommunication Act requirement:

No state or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's [Federal Communications Commission] regulations concerning such emissions. 47 U.S.C. 332©(7)(B)(iv)

The Ordinance requires that a technical report assessing the expected radio frequency emissions from a given facility be submitted as part of the application for approval. The radio frequency emissions must be found to be within the acceptable range pursuant to the Federal Communication Commission (FCC) standards prior to the City approving a project. The Ordinance includes measures to ensure that the emissions levels remain within FCC standards. It also includes measures to ensure that potential hazards from the facilities are minimized through design and development requirements, and includes provisions to ensure they are properly maintained.

Mitigation:

None required.

- d) The proposed Ordinance seeks to modify existing standards regulating the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities. As noted in the prior discussion items, any future proposed facility sites would be evaluated for potentially significant hazards as part of an individual application review and CEQA process, separate from this IS/ND. Therefore, the project would result in **no impact**.

Mitigation:

None required.

- e)-f) There are no airports or airstrips within or in the vicinity of the City. Therefore, the Ordinance would result in **no impact**.

Mitigation:

None required.

- g) The proposed Ordinance seeks to modify existing standards regulating the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities. The provisions of the Ordinance would not conflict with any emergency response or evacuation plan. In any case, the Ordinance contains provisions stipulating that no dangerous conditions or obstructions are allowed relating to wireless telecommunication facilities, including those affecting pedestrian and vehicular access. Therefore, the project would result in **no impact**. Furthermore, it is unknown where and when facilities might be proposed. As specific facility applications are proposed, they would be analyzed under separate CEQA review to ensure that they do not conflict with such plans.

Mitigation:

None required.

- h) The proposed Ordinance seeks to modify existing standards regulating the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities. The proposed Ordinance would not affect existing City policies regarding fire protection. The timing and location of any future facility is speculative. Any future facility proposal would be considered a separate project under CEQA, and would need to undergo separate project and environmental review. Therefore, the project would result in **no impacts**.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
8. HYDROLOGY & WATER QUALITY. Would the project:				
(a) During project construction, will it create or contribute runoff water that would violate any water quality standards or waste discharge requirements, including the terms of the City's municipal separate stormwater sewer system permit?				x
(b) After the project is completed, will it create or contribute runoff water that would violate any water quality standards or waste discharge requirements, including the terms of the City's municipal separate stormwater sewer system permit?				x
(c) Provide substantial additional sources of polluted runoff from delivery areas; loading docks; other areas where materials are stored, vehicles or equipment are fueled or maintained, waste is handled, or hazardous materials are handled or delivered; other outdoor work areas; or other sources?				x
(d) Discharge stormwater so that one or more beneficial uses of receiving waters are adversely affected?				x
(e) Violate any other water quality standards or waste discharge requirements?				x
(f) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				x
(g) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				x
(h) Significantly increase erosion, either on or off-site?				x
(i) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				x
(j) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems?				x
(k) Otherwise substantially degrade water quality?				x

(l) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				x
(m) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				x
(n) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				x
(o) Expose people or structures to inundation by seiche, tsunami or mudflow?				x

DISCUSSION:

a)-k) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Wireless telecommunication facilities are not generally associated with impacts to hydrology and water quality. Additionally, the Ordinance does not contain provisions that are in conflict with ensuring adequate hydrology resources and water quality in the City. Nevertheless, as noted previously in this document, it is unknown where or when facilities might be proposed, and any proposal to construct a facility would undergo separate project and environmental review per CEQA, with any hydrology and water quality concerns assessed at that time. Therefore the project would result in **no impact**.

Mitigation:
None required.

l)-o) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. None of the proposed provisions in the Ordinance would conflict with providing adequate flood protection in the City. Each specific future facility proposal would be considered a separate project under CEQA that would undergo separate environmental review, including flood impact analysis. The timing and location of such future proposals is speculative. Therefore, the Ordinance adoption would result in **no impact**.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
9. LAND USE & PLANNING. Would the project:				
(a) Physically divide an established community?				x
(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning Ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				x
(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				x

DISCUSSION:

- a) The project is an Ordinance that applies Citywide to wireless telecommunication facilities. The construction of wireless telecommunication facilities would not generally divide an established community. As such, the project would result in **no impact**. Wireless telecommunication facilities are currently allowed to be located in the City. The Ordinance would continue to allow the facilities, and would modify existing standards and requirements for their location. It is currently unknown where or when such facilities might be proposed, thus each individual proposal for a facility would be analyzed per CEQA, separate from this IS/ND.

Mitigation:
None required.

- b) The Ordinance would be consistent with the General Plan, which calls for access to state of the art wireless technology resources and adequate coverage, while ensuring the appropriate design and location of wireless facilities. It is also consistent with General Plan policies to minimize visual impacts on the surrounding environment and neighborhood, and minimize the total number of facilities and associated impacts (Policies XII-35 through XII-38). The Ordinance amends the Municipal Code (Title 17) to modify existing standards and regulations for wireless telecommunication facilities, facilities that are already conditionally permitted in the Municipal Code in certain zoning districts of the City. As noted above in Item a), it is speculative where and when new facilities will be proposed and each proposed facility would be analyzed per CEQA as an individual project application is proposed. Therefore, there would be **no impact** from the Ordinance adoption.

Mitigation:
None required.

- c) There are no habitat conservation plans or natural communities conservation plans applicable to the City, or adjacent to the City, so the project would result in **no impact**.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
10. MINERAL RESOURCES. Would the project:				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	_____	_____	_____	x
(b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	_____	_____	_____	x

DISCUSSION:

a), b) The proposed Ordinance seeks to modify existing standards regulating the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities. The construction of wireless telecommunication facilities is not generally known to impact mineral resources. Therefore, there would be **no impact**. Nevertheless, all future proposals to construct a wireless telecommunication facility would be analyzed separately under CEQA as part of project specific application and environmental review, which would need to consider the specific site’s mineral resources further.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
11. NOISE. Would the project result in:				
(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise Ordinance, or applicable standards of other agencies?				x
(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?				x
(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				x
(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				x
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				x
(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				x

DISCUSSION:

a),c),d)The proposed Ordinance seeks to modify existing standards regulating the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities. It is unknown where or when facilities might be proposed, and any proposal for a facility in the City would be analyzed separately under CEQA as part of project specific environmental review. The site specific noise conditions and the type of facility would be assessed, as necessary, at that time. Therefore, the Ordinance adoption would result in **no impact**. In any case, the proposed Ordinance does not include any provisions that would conflict with the noise standards and requirements of the City, as outlined in the General Plan and Municipal Code. Rather, the Ordinance requires the preparation of a noise study as part of the facility application. It also contains specific noise standards and requirements, consistent with the General Plan and Municipal Code noise provisions, to minimize noise impacts from the facilities, including accessory equipment.

Mitigation:
None required.

- b) The proposed Ordinance seeks to modify existing standards regulating the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities. Future development is speculative. As specific facilities are proposed, along with information about construction, these projects would need to undergo separate CEQA review, including analysis for ground borne vibrations and noise impacts. Therefore, there would be **no impact** from the Ordinance adoption.

Mitigation:
None required.

- e), f) The City is not located within the vicinity of an airport or private airstrip, and would not be affected by air traffic noise impacts. There would be **no impact**.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
12. POPULATION AND HOUSING. Would the project:				
(a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of road or other infrastructure)?	_____	_____	_____	x
(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	x
(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	_____	_____	_____	x

DISCUSSION:

- a)-c) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Modifications to communications infrastructure does not affect population growth, nor would it cause the displacement of existing housing, or people. Furthermore, individual proposals for facilities are not expected to include provisions for housing or employment, or otherwise impact population in the City. Nonetheless, as facility applications are processed through the City, environmental review per CEQA would be undertaken, including the evaluation of any potential impacts to population and housing from the specific proposal. The timing, extent and locations of such future proposals are speculative. Therefore, the Ordinance adoption would result in **no impact**.

Mitigation:
None required.

Environmental Factors

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
13. PUBLIC SERVICES. Would the project:				
(a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
(i) Fire protection?				x
(ii) Police protection?				x
(iii) Schools?				x
(iv) Parks?				x
(v) Other public facilities?				x

DISCUSSION:

a) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Wireless telecommunication facilities would not contribute to the demand for public facilities, such as fire protection, police protection, schools, and parks. There are no provisions of the Ordinance that would present conflicts with the continued provision of such services in the City, nor increase the demand for such facilities. As an individual facility proposal comes forward, it would undergo site specific environmental review and be assessed for the above noted public services impacts. It is currently unknown where and when such facilities will be proposed. Therefore, there would be **no impact** from the Ordinance adoption.

Mitigation:
None required.

Environmental Factors

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
14. RECREATION. Would the project:				
(a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				x
(b) Include recreational facilities or require the construction or expansion of recreational facilities that have an adverse physical effect on the environment?				x

DISCUSSION:

a),b) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities, there would be **no impacts** to recreational facilities. The Ordinance

includes no provisions that would conflict with the continued availability of recreational facilities in the City. It is unknown where and when wireless telecommunication facilities might be proposed. As individual facilities are proposed, separate CEQA review would be undertaken to determine the specific project's impact to recreation. It should be noted, however, that wireless telecommunication facilities do not contribute to the use or expansion of parks or other recreational facilities.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
15. TRANSPORTATION/TRAFFIC. Would the project:				
(a) Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				x
(b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				x
(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				x
(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				x
(e) Result in inadequate emergency access?				x
(f) Result in inadequate parking capacity?				x
(g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				x

DISCUSSION:

a) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Furthermore, the proposed Ordinance will place stricter requirements on the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities, likely resulting in the construction of fewer facilities. The Ordinance contains no provisions that would conflict with transportation and circulation in the City. However, the Ordinance contains provisions that would prevent obstructions in the ROW and impacts to pedestrian and vehicular flow. It is unknown where and when facilities might be proposed. As individual facility projects are proposed, separate CEQA review would be undertaken to determine the specific project's impacts to traffic and circulation. As a result, there would be **no impacts** to traffic and circulation.

Mitigation:
None required.

b) The Los Angeles County Congestion Management Plan (CMP) requires a regional traffic impact analysis when a project adds 150 or more trips in each direction to a freeway segment. Because the majority of wireless telecommunication facilities are unattended, and generate only a few employee trips per month, individual facilities would not add more than 150 trips in each direction to a freeway segment. Based on this and the discussion in item a) above, there would be **no impacts**.

Mitigation:
None required.

c) There are no airports or airfields in the project vicinity, so the Ordinance adoption would result in **no impacts**. Also refer to the discussion in item a) above.

Mitigation:
None required.

d)-g) Refer to the discussion under item a) above. The Ordinance adoption would result in **no impacts**.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
16. UTILITIES AND SERVICE SYSTEMS. Would the project:				
(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				x
(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				x
(c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?				x
(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? In making this determination, the City shall consider whether the project is subject to the water supply assessment requirements of Water Code Section 10910, et. Seq. (SB 610), and the requirements of Government Code Section 664737 (SB 221).				x
(e) Result in a determination by the wastewater treatment provider, which serves or may serve the project, that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?				x
(f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?				x
(g) Comply with federal, state, and local statutes and regulations related to solid waste?				x

DISCUSSION:

a)-e) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Furthermore, the proposed Ordinance will place stricter requirements on the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities, likely resulting in the construction of fewer facilities. The proposed Ordinance regulations would not conflict with the continued provision of water, waste water, solid waste or storm drain facilities in the City. While wireless telecommunication facilities normally do not effect issues of water supply, wastewater treatment, storm water drainage, or solid waste disposal, as individual facility projects are proposed in the project area, separate CEQA review would be undertaken to determine, as necessary, the specific project’s impacts to these services. It is currently unknown where and when facilities will be proposed. As a result, the proposed ordinance would result in **no impacts**.

Mitigation:
None required.

f),g) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Because wireless telecommunication facilities do not generate a substantial amount of solid waste, they would not impact local landfills or conflict with local, state or federal regulations regarding the disposal of solid waste. Nevertheless, as individual facility projects are proposed, separate CEQA review would be undertaken to determine if the specific projects’ impacts to these services is significant. The Ordinance adoption would result in **no impacts**.

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
17. Green House Gasses. Would the project:				
(a) Generate greenhouse gas emissions, either directly or indirectly?				x
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				x

DISCUSSION:

a)-b) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Furthermore, the proposed Ordinance will place stricter requirements on the construction of new wireless telecommunication facilities and expansion of existing wireless telecommunication facilities, likely resulting in the construction of fewer facilities, which will help reduce the potential for increased greenhouse gas emissions. Nevertheless, future proposals submitted to construct facilities would be analyzed separately under CEQA, and the potential for

greenhouse gas emissions evaluated as part of project specific environmental review. The Ordinance does not contain any provisions that are in conflict with plans or policies to reduce greenhouse gases; and does not conflict with the goals and policies of the General Plan to reduce emissions within the City boundaries to help mitigate the impact of climate change (IV.C Air Quality, Policies IV-14 through IV-20).

Mitigation:
None required.

<i>Environmental Factors</i>	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
18. MANDATORY FINDINGS OF SIGNIFICANCE				
(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat or a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				x
(b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project, and the effects of probable future projects.)				x
(c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				x

DISCUSSION:

a) The proposed Ordinance addresses modifications to standards regulating wireless telecommunication facilities. Construction of wireless telecommunication facilities are not generally known to significantly impact biological or cultural resources. Where and when the wireless telecommunication facilities might be proposed is unknown at this time. When such a proposal is made, the project would be analyzed as part of a separate, specific CEQA analysis, where the particular site and action would be assessed for its potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. Therefore, adoption of the Ordinance would result in **no impact**.

Mitigation:
None required.

b) The proposed ordinance includes modifications to the City’s standards regulating wireless telecommunication facilities and processing requirements. Proposed modifications are generally stricter than the existing Ordinance. To this regard, the net effect of the Ordinance will be the

construction of fewer facilities, with generally less impacts cumulatively. Therefore, adoption of the new Ordinance will result in **no impact**.

Mitigation:

None required.

- c) The proposed ordinance includes modifications to the City's standards regulating wireless telecommunication facilities and processing requirements. Proposed modifications are generally stricter than the existing Ordinance. The modified regulations will increase the City's ability to protect the health, safety and welfare of the general public. As such, there would be **no impact** with regard to environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly. Furthermore, future wireless telecommunication projects would be analyzed as part of a separate, specific CEQA analysis, where the particular site and action would be assessed for its potential to cause substantial adverse impacts on human beings.

Mitigation:

None required.

References:

Calabasas, City of. *General Plan 2035*. December 2008.

Calabasas, City of. *General Plan 2035 Draft EIR*. December 2008.

Calabasas, City of. *Municipal Code*.

Federal Communications Commission. *A Local Government's Official Guide to Transmitting Antenna RF Emissions Safely: Rules Procedures, and Practical Guidelines*.

47 U.S.C. 332, Federal Communications Act.

Ordinance No. 2012-

Exhibit A¹

17 – Antennas/Wireless communication facilities.^{2 3 050}⁴

~~A.~~⁵ A.⁶ **Purpose and Intent.**⁷ The purpose of this section is to ~~control~~⁸ regulate⁹ the installation ~~of antennas~~¹⁰ , operation¹¹ and ~~related~~¹² maintenance of¹³ wireless communication facilities. ~~It is the city's intent to encourage new and more efficient technology in enhancing telecommunications within~~¹⁴ in¹⁵ the city.¹⁶ ~~It is recognized~~¹⁷ The city recognizes¹⁸ that ~~the~~¹⁹ unrestricted ~~installations are~~²⁰ installation of redundant wireless communication facilities is²¹ contrary to the city's efforts to stabilize economic and social aspects of neighborhood environments,²² and ~~the city's efforts~~²³ to promote safety and aesthetic considerations,²⁴ family environments and a basic residential character within the city.²⁵ ~~It is the intent of this section to permit~~²⁶ ~~wireless communication facilities where they~~²⁷ can be installed without creating an²⁸ adverse economic, safety and²⁹ aesthetic impact³⁰ on nearby properties and the³¹ overall community.³²

In enacting this section, the city intends to:³³

- 1.³⁴ Promote and protect the health, safety, comfort, convenience and general welfare of residents and business in accord with section 17.01.020 of this title, and³⁵
- 2.³⁶ Protect the benefits derived by the City, its residents and the general public from access to personal wireless services, by providing non-discriminatory access to wireless providers while minimizing, to the greatest extent feasible, the redundancy of wireless communication facilities in the city.³⁷
- 3.³⁸ Balance these goals, by permitting the installation and operation of³⁹ wireless communication facilities where they⁴⁰ are needed, while enacting limitations to reduce, to the greatest extent feasible,⁴¹ adverse economic, safety and⁴² /or aesthetic impacts⁴³ on nearby properties and the⁴⁴ community as a whole.⁴⁵
- 4.⁴⁶ Comply with applicable law, including the 1996 Telecommunications Act.⁴⁷

~~B.~~⁴⁸ B.⁴⁹ **Applicability.** This section applies to all proposed antennas and modifications and⁵⁰ related wireless communication facilities,⁵¹ as follows:

1. All applications for approval of the installation of new wireless communication facilities in the City.⁵²
- 2.⁵³ All⁵⁴ facilities for which applications were received by the department but not approved prior to the effective date of the ordinance codifying⁵⁵ this section,⁵⁶ shall comply with the regulations and guidelines of this section;
- ~~2.~~⁵⁷ 3.⁵⁸ All facilities for which applications were approved by the city on or prior to the effective date of the ordinance ~~codified in~~⁵⁹ codifying⁶⁰ this ~~title~~⁶¹ section⁶² shall be exempt from ~~the regulations and guidelines of~~⁶³ this section, except for the ~~validation, monitoring, and abandonment~~⁶⁴ requirements of subsections ~~(C)(5), (C)(6), (C)(7)~~⁶⁵ C.7⁶⁶ and ~~(C) D.~~⁶⁷ 8(c)⁶⁹ ~~of this section;~~^{70,71}
- ~~3.~~⁷² 4.⁷³ All facilities for⁷⁴ which applications⁷⁵ have been previously approved, but are now or hereafter ~~modified,~~⁷⁶ (a)⁷⁷ ~~expanded, reduced, or for which the permit of approval is~~

~~now or hereafter subject to renewal shall comply with the regulations and guidelines of~~⁷⁸ or (b) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated shall comply with⁷⁹ this section.⁸⁰

- C. ⁸¹ **Standards for wireless communication facilities not located within the**^{82, 83} a⁸⁴ **public right-of-way.** All wireless communication facilities not located within ~~the~~^{85, 86} a⁸⁶ 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~~⁸⁷ (a) installed, (b) expanded, or (c) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated until the applicant or operator has obtained: (i) a wireless facility permit⁸⁸ 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.~~⁸⁹ (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this⁹⁰ 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 by⁹¹ the development review committee. All wireless facility permits will be scheduled for public hearing before the commission in accordance with chapter 17.78 of this code. The commission shall determine if a proposed project is the least intrusive means to close a significant gap in the applicant's service coverage.⁹²

2. ⁹³ **Application Content.**⁹⁴ Applications for the approval of wireless communication facilities shall include ~~but is not necessarily limited to, an application fee and~~⁹⁵ the following information,⁹⁶ in addition to all other information required by⁹⁷ the city for a ~~conditional-use~~⁹⁸ wireless facility⁹⁷ permit application pursuant to chapter⁹⁸ 17.60 of this title⁹⁹ :

- a. Written documentation demonstrating a good faith effort ~~in locating facilities~~¹⁰⁰ to locate the proposed facility in the least intrusive location¹⁰¹ in accordance with the location requirements ~~in~~^{102, 103} of¹⁰³ subsection ~~3(d)~~¹⁰⁴ of this ~~section~~¹⁰⁵ paragraph C¹⁰⁶; and

- b. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings,¹⁰⁷ to assist the commission in assessing the¹⁰⁸ visual impacts of the proposed facility and its compliance with the provisions of this section; and¹⁰⁹

- c. ¹¹⁰ A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator ~~within~~¹¹¹ intended to serve¹¹² the city.¹¹³ The master plan shall reflect all potential locations that are reasonably¹¹⁴ anticipated for construction within ~~one year~~¹¹⁵ two years¹¹⁶ of submittal of the application. Applicants ~~are prohibited from filing~~¹¹⁷ may not file, and the city shall not accept,¹¹⁸ applications that are not consistent with the master plan for a period of ~~one year~~¹¹⁹ three years¹²⁰ from approval of a ~~conditional-use~~¹²¹ wireless facility¹²² permit unless: (i)¹²³ the applicant can demonstrate ~~that~~¹²⁴ materially changed¹²⁵ conditions ~~have changed materially~~¹²⁶ which could not have been reasonably anticipated ~~or known~~¹²⁷ to justify the need for a wireless communication facilities site not shown on a master plan

submitted to the city within the prior ~~year.~~¹²⁸ two years or (ii) the applicant establishes before the commission that a new wireless communication facility is necessary to close a significant gap in the applicant's personal communication service, and the proposed new installation is the least intrusive means to do so; and¹²⁹

d. A siting analysis which identifies all other feasible locations within or without the city which could serve the area intended to be served by the facility. If there are more than five feasible sites, then analysis of only the five most feasible locations need be provided; and¹³⁰

e. An FCC compliance report, which shall certify that the proposed wireless communication facility will comply with FCC RF emission standards and which report shall include the following information:¹³¹

1. the projected RF exposure levels of the intended installation;¹³²
2. an affirmation, under penalty of perjury, that the proposed installation will be FCC compliance, in that it will not cause members of the general public to be exposed to RF levels which exceed the MPE levels deemed safe by the FCC.¹³³

3. whether its RF exposure analysis is based upon the occupational / controlled exposure limits or the general population / uncontrolled exposure limits, as defined under 47 CFR § 1.1307 et seq.;¹³⁴

4. the proposed minimum distance upon which projected exposure levels were calculated, i.e., the assumed closest distance the general public will be able to get to the proposed antenna(s);¹³⁵

5. whether or not the exposure calculations are based upon the assumption that the proposed wireless communication facility will be operating at full power. If the applicant seeks to apply the occupational / controlled exposure limits, the report shall also describe:¹³⁶

6. how public access to the facility will be restricted;¹³⁷¹³⁸

7. the required warning signs to be installed as described by FCC Office of Engineering & Technology Bulletin 65, Supplement B (latest edition).¹³⁹¹⁴⁰

f. A statement signed by a person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information provided in the application; and¹⁴¹

g. A noise study, prepared by a qualified engineer, for the proposed wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators; and¹⁴²

h. Such other information as the director shall establish from time to time pursuant to the Permit Streamlining Act, Government Code section 65940.¹⁴³

3. ¹⁴⁴Location Requirements.¹⁴⁵ ~~In order to~~¹⁴⁶ To¹⁴⁷ minimize ~~their~~¹⁴⁸ aesthetic and visual ~~impact~~¹⁴⁹ impacts¹⁵⁰ on the ~~surrounding~~¹⁵¹ community, ~~to the extent feasible, the placement of all~~¹⁵² wireless communication facilities shall ~~comply with~~¹⁵³ be located according to¹⁵⁴ the following standards to the extent feasible¹⁵⁵:

a. ¹⁵⁶~~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.~~¹⁵⁷ Requirements.¹⁵⁸

i. All equipment shall be underground to the maximum extent feasible; any equipment that is not undergrounded shall be screened from adjacent uses to the maximum extent feasible.¹⁵⁹

ii. A freestanding telecommunications tower shall be set back a distance of at least 150% of the height of the tower from the property line of any residentially zoned or occupied lot.¹⁶⁰

iii. All new wireless communication facilities shall be set back at least 1,000 feet from schools, dwelling units and parks, as measured from the closest point of the wireless communication facility (including accessory equipment) to the applicable property line, unless an applicant establishes that a lesser setback is necessary to close a significant gap in the applicant's personal communication service, and the proposed wireless communication facility is the lease intrusive means to do so. An applicant who seeks to increase the height of an existing wireless communication facility, or of its antennas, located less than 1,000 feet from schools, dwelling units or parks must establish that such increase is necessary to close a significant gap in the applicant's personal communication service, and the proposed increase is the lease intrusive means to do so.¹⁶¹

b. Restricted Locations.¹⁶² Wireless communication facilities located in any of the following locations must be designed as a ~~camouflaged~~¹⁶³ stealth¹⁶⁴ facility:

i. ¹⁶⁵ Within any nonresidential ~~zoning district~~¹⁶⁶ zone¹⁶⁷ on a site that contains a legally established residential use;

~~ii.~~¹⁶⁸ ii.¹⁶⁹ Within the Old Town overlay zone;

iii. ¹⁷⁰ On any property that is designated historic by the city¹⁷¹ council; and,

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

v. ¹⁷² Within a ~~city-designated~~¹⁷³ scenic corridor; ¹⁷⁴ designated by the city¹⁷⁵;

vi.¹⁷⁶ Within a historic district designated by the city;

c. Prohibited Locations.¹⁷⁷ 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~~¹⁷⁹ established in¹⁸⁰ these locations if the applicant ~~(i) files a conditional use~~¹⁸¹ obtains a wireless facility¹⁸² permit ~~application with~~¹⁸³ from¹⁸⁴ the city¹⁸⁵; commission¹⁸⁶ and ~~(ii)~~¹⁸⁷ provides ~~technically~~¹⁸⁸ sufficient ~~conclusive~~¹⁸⁹ technical¹⁹⁰ 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.~~¹⁹¹ to close a

significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap.¹⁹²

i. ¹⁹³Ridgelines.¹⁹⁴ 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, Lost Hills, Parkway Calabasas,¹⁹⁵ Mulholland Highway,¹⁹⁶ Old Topanga Canyon Road or the Ventura Freeway.¹⁹⁷

ii. ¹⁹⁸Residential ~~Zoning Districts~~¹⁹⁹ Zones²⁰⁰ ²⁰¹No facility shall be located within a residential ~~zoning district~~²⁰² zone²⁰³, including areas set aside for open space,²⁰⁴ parks or playgrounds.²⁰⁵

d. ²⁰⁶Guidelines 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~~²⁰⁷ described below. If an antenna²⁰⁸ cannot be mounted as set forth in ~~these subsections, such facility~~²⁰⁹ subsection (i), it²¹⁰ may be mounted in accordance with subsection ~~(iii)~~²¹¹ ii). If an antenna cannot be mounted as set forth in either subsection (i) or (ii), it may be mounted in accordance with subsection (iii).²¹²

i. ²¹³A ~~camouflaged~~²¹⁴ stealth²¹⁵ facility mounted on an existing structure or ~~to a façade, roof or~~²¹⁶ co-²¹⁷ located on an existing²¹⁸ tower;

ii. ²¹⁹A ~~camouflaged~~²²⁰ stealth²²¹ facility mounted on an existing steel or concrete pole, including a light standard; or

iii. ~~A camouflaged~~²²² A stealth²²³ facility mounted on a new steel,²²⁴ wood or concrete pole.

e. Preferred Zones and Locations. When doing so would not conflict with one of the standards set forth in this subsection (3) or with federal law, facilities shall be located in the most appropriate location as described in this subsection (e). The following areas of the city range from the most appropriate to the least appropriate for wireless communication facilities:²²⁵

i. co-location on an existing facility in a non-residential zone.²²⁶

ii. location on an existing structure or utility pole in a non-residential zone.²²⁷

iii. location on a new structure in a non-residential zone.²²⁸

iv. co-location on an existing facility in a residential zone.²²⁹

v. location on an existing structure or utility pole in a residential zone.²³⁰

vi. location on a new structure in a residential zone.²³¹

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission may authorize a facility to be established in a less- appropriate location if doing so is necessary to prevent substantial aesthetic impacts.²³²

4. ²³³ Design and Development Standards.²³⁴ Wireless communication facilities shall be designed and maintained as follows:

a. ~~The facilities~~²³⁵ Facilities²³⁶ shall have subdued colors and ~~nonreflective~~²³⁸ non-reflective²³⁹ 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.²⁴⁰

b. ²⁴¹ ~~Building-~~²⁴² mounted facilities shall be designed and constructed to be fully screened in a manner ~~to be~~²⁴³ that is²⁴⁴ compatible ~~with the existing architecture, of the building the facility is mounted to,~~²⁴⁵ in color, texture and type of material with the architecture of the building on which the facility is mounted²⁴⁶.

c. ²⁴⁷ ~~Ground-~~²⁴⁸ mounted ~~facilities~~²⁴⁹ equipment²⁵⁰ shall be designed and constructed to be fully screened,²⁵¹ to the maximum extent possible, through the use of landscaping as ~~recommended and~~²⁵² approved by the ~~director-~~²⁵³ commission.²⁵⁴

d. The facilities shall not bear any signs or advertising devices other than certification,²⁵⁵ warning or other signage required by law or expressly²⁵⁶ permitted by the city.²⁵⁷

e. ²⁵⁸ All accessory equipment associated with the operation of ~~the~~²⁵⁹ a²⁶⁰ 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.

f. No wireless telecommunications facility shall emit noise louder than fifty (50)²⁶¹ decibels (dBA) as measured from the property line, consistently with the requirements of section 17.20.160 of this title. The applicant shall undertake all reasonably feasible efforts to deaden noise for the protection of occupants of nearby structures.²⁶²

5. ²⁶³ Validation of Proper Operation.²⁶⁴ ~~For~~²⁶⁵ Prior to unattended operations, an applicant for approvals with respect to²⁶⁶ 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"),²⁶⁷ as it²⁶⁸ may be amended from time to time²⁶⁹, ~~the applicant facility-~~²⁷⁰ shall provide²⁷¹ allow²⁷² the ~~director a technically~~²⁷³ commission to obtain a²⁷⁴ detailed technical²⁷⁵ 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 ²⁷⁷ 65. The ²⁷⁸ applicant shall ²⁷⁹ reimburse the city for its actual costs ~~in observing and verifying that testing.~~ ²⁸⁰ of that testing. To the extent that a wireless carrier has prepared one or more such reports with respect to a wireless facility, all such reports shall be provided to the City prior to unattended operation. ²⁸¹

6. ²⁸² ~~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~~ Requirements. The owner or operator of each wireless communication facility approved under this subsection C of this section 17.12.050 shall allow the director to obtain a detailed technical report ²⁸⁴ prepared by a qualified engineer. ~~verifying that the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC Office of Engineering & Technology Bulletin 65 (latest edition) and in conformance with relevant building requirements and a report prepared by another qualified person as to the compliance of the wireless communications facility with the requirements of other applicable law, including this title and the conditions of any approval granted under this title. The applicant owner or operator shall reimburse the city for its actual costs of that testing to the extent those costs are not fully recovered by any regulatory fee imposed by the City. If monitoring demonstrates that a wireless communications facility is not in compliance with the requirements of applicable law, that shall be a basis for the revocation of any permit granted under this title pursuant to section 17.80.070 of this title. It is anticipated that such monitoring will occur not more than annually unless the city has particular reason to believe that a particular wireless facility is not in compliance with this section and other applicable law, in which case, further monitoring may occur.~~ ²⁸⁵ verifying that the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC Office of Engineering & Technology Bulletin 65 (latest edition) and in conformance with relevant building requirements and a report prepared by another qualified person as to the compliance of the wireless communications facility with the requirements of other applicable law, including this title and the conditions of any approval granted under this title. The applicant owner or operator shall reimburse the city for its actual costs of that testing to the extent those costs are not fully recovered by any regulatory fee imposed by the City. If monitoring demonstrates that a wireless communications facility is not in compliance with the requirements of applicable law, that shall be a basis for the revocation of any permit granted under this title pursuant to section 17.80.070 of this title. It is anticipated that such monitoring will occur not more than annually unless the city has particular reason to believe that a particular wireless facility is not in compliance with this section and other applicable law, in which case, further monitoring may occur. ²⁸⁶

7. ²⁸⁷ Abandonment. ²⁸⁸

a. ²⁸⁹ Wireless communication facilities that ~~were lawfully installed and~~ ²⁹⁰ are no longer operating shall be removed ~~from a property.~~ ²⁹¹ at the expense of the ²⁹² applicant, the operator or the ²⁹³ property owner's ~~expense.~~ ²⁹⁴ no later than ninety (90) days after the discontinuation of ~~its~~ ²⁹⁵ use. Abandonment ²⁹⁶ Disuse ²⁹⁷ for a period in excess of ²⁹⁸ more ²⁹⁹ than ³⁰⁰ ninety (90) days shall ~~also~~ ³⁰¹ constitute a voluntary termination ~~of the conditional use permit~~ ³⁰² by the applicant. ~~A written~~ ³⁰³ of any land ³⁰⁴ use entitlement under this code or any predecessor to this code.

b. Written ³⁰⁵ notice of ~~the~~ ³⁰⁶ a ³⁰⁷ determination of abandonment shall be sent ~~or delivered~~ ³⁰⁸ to the owner and ³⁰⁹ operator of the wireless communication facility. ~~The~~ ³¹⁰ who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing shall be conducted pursuant to chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the ³¹¹ operator shall have ninety (90) days to remove the facility ~~or provide the planning director~~ ³¹² with evidence that the use has not been discontinued. ³¹³

c.³¹⁴ All facilities not removed within the required ninety-³¹⁵ day period shall be in violation of ~~the~~³¹⁶ this³¹⁷ code and the applicant, operator, and property owner shall be subject to subsection (C)(8) of this section.³¹⁸ ~~In the event that~~^{319, 320} if³²⁰ the city is required to remove ~~the~~³²¹ a disused³²² facility,³²³ ~~the city shall be reimbursed, by the applicant, the operator, or the property owner for all expenses incurred for the removal.~~³²⁴ The applicant, operator, and property owner shall be jointly and severally liable ~~for the payment of~~³²⁵ to pay³²⁶ all costs and expenses ~~related~~³²⁷ the city incurs in relation³²⁸ to the removal of the facilities, including legal fees and costs^{329 330}.

~~Operators~~³³¹ d. The operator³³² of a facility shall notify the city,³³³ in writing,³³⁴ of ~~their~~³³⁵ its³³⁶ intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon ~~completion of the~~³³⁷ abandonment, the site shall be restored to its original condition at the expense of the³³⁸ applicant, operator or property owner's ~~expense.~~^{339 340}

8. ³⁴¹Violations. The city may ~~terminate a conditional use~~³⁴² revoke a wireless facility³⁴³ permit for any wireless communication facility in violation of this section in accordance with Section 17.³⁴⁴ 80.³⁴⁵ 070³⁴⁶ of this ~~development~~³⁴⁷ code.³⁴⁸ 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.³⁴⁹

9. Findings. No proposed wireless communication facility to be located outside a public right-of way may be approved unless the commission finds as follows, in addition to the findings required by section 17.62.060 of this code.³⁵⁰

a. The applicant has demonstrated by clear and convincing evidence that the facility is necessary to close a significant gap in the operator's service coverage. Such evidence shall include in-kind call testing of existing facilities within the area the applicant contends is a significant gap in coverage to be served by the facility.³⁵¹

b. The applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of subsection 3(e) of this section.³⁵²

10. Removal of Unsafe Facilities. If, at any time after ten (10) years of the issuance of a building permit, or any shorter period permitted by Government Code section³⁵³ 65964(b), any wireless communication facility³⁵⁴ becomes incompatible with public health, safety or welfare³⁵⁵, the applicant or operator of the facility shall, upon notice from the City and at the applicant's or operator's own expense, remove that facility. Written notice of a determination pursuant to this paragraph shall be sent to the owner and operator of the wireless communication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing shall be conducted pursuant to chapter 17.74 of this title, although no

further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.³⁵⁶

11. Each application approved under this subsection C. shall be conditioned to require that, on each January 15th following the effective date of any permit authorizing a wireless telecommunication facility, the applicant or operator shall pay a fee to reimburse the city's costs to confirm whether the wireless communications facility complies with applicable law. If the city adopts a regulatory fee to fund such compliance reviews, any fee paid under this condition shall be credited against that fee.³⁵⁷

D.³⁵⁸ **Standards for Wireless Communication Facilities Located Within the**
³⁵⁹ **Public Right** ³⁶⁰ **Rights** ^{361 362} **- of-Way.** ³⁶³ All ³⁶⁴ wireless communication facilities located within ~~the~~³⁶⁵ public ~~right~~³⁶⁶ rights^{367 368} ~~- of-way~~ shall comply with the following requirements to the fullest extent permitted by state and federal law:

1. ³⁶⁹ ~~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.~~³⁷⁰ Construction.³⁷¹ ~~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.~~³⁷² The purpose of this subsection (D) is to regulate wireless communications facilities proposed for sites within public rights-of-way consistently with the rights conferred on telephone corporations by Public Utilities Code §§ 7901 and 7901.1 and to address the aesthetic and safety concerns unique to such proposals due to their highly visible location in rights-of-way that must be safely shared with pedestrians, motorists and other utility infrastructure.³⁷³

2. Applicability: This subsection shall apply to new wireless communications facilities as well as to any facilities located within public rights-of-way for which applications have been previously approved, but are now or hereafter: (a) expanded or (b) modified by the installation of additional antennas, larger antennas or more powerful antennas, or (c) when one or more new bands of service are activated.³⁷⁴

~~2.~~³⁷⁵ 3.³⁷⁶ **Permit Requirements:** A request to construct or modify a wireless telecommunication facility ~~located~~³⁷⁷ within ~~the~~^{378 379} a public right-~~of-~~³⁸⁰ ~~way~~³⁸¹ shall require all of the following: (i) a ~~zoning-clearance~~³⁸² wireless facility permit³⁸³ from the ~~department~~³⁸⁴ commission³⁸⁵, (ii) an encroachment permit from the public works department, and (iii) any other permit required by applicable provisions of this 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 by³⁸⁶ the ~~city~~³⁸⁷ ~~-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-~~³⁸⁸ ~~the~~³⁸⁹ development review committee.³⁹⁰ All ~~zoning-clearance~~ wireless facility permits³⁹¹ will be scheduled for a³⁹² public hearing ~~with~~³⁹³ before³⁹⁴ the ~~director~~³⁹⁵ commission³⁹⁶ in accordance with ~~Section~~³⁹⁷ chapter³⁹⁸ 17.³⁹⁹ ~~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~~⁴⁰⁰

~~this development code.~~⁴⁰¹ code. The commission shall determine if a proposed project is the least intrusive means to close a significant gap in the applicant's service coverage.⁴⁰²

~~3.~~⁴⁰³ 4.⁴⁰⁴ Application Content.⁴⁰⁵ To permit the city to ~~decide~~⁴⁰⁶ approve or disapprove the siting of⁴⁰⁷ wireless communication facilities ~~siting~~⁴⁰⁸ based on substantial evidence in the administrative record as required by federal law,⁴⁰⁹ 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.~~^{410,411}

a. ⁴¹²Written documentation demonstrating a good faith effort ~~in locating facilities~~⁴¹³ to locate the facility⁴¹⁴ in accordance with the location requirements in subsection ~~3~~⁴¹⁵ (~~d~~⁴¹⁶ D⁴¹⁷) of this section; and

b. ⁴¹⁸Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings,⁴¹⁹ to assist the commission in assessing visual impacts of the proposed facility and its compliance with the provisions of this section; and⁴²⁰

c. ⁴²¹A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator ~~within~~⁴²² to serve⁴²³ the city.⁴²⁴ The master plan shall reflect all potential locations that are reasonably⁴²⁵ anticipated for construction within ~~one year~~⁴²⁶ three years⁴²⁷ of submittal of the application. Applicants ~~are prohibited from filing~~⁴²⁸ may not file, and the city shall not accept,⁴²⁹ applications that are not consistent with the master plan for a period of ~~one year~~⁴³⁰ two years⁴³¹ from approval of a ~~conditional use permit~~⁴³² zoning clearance⁴³³ unless the applicant can demonstrate ~~that~~⁴³⁴ materially changed⁴³⁵ conditions ~~have changed materially~~⁴³⁶ which could not have been reasonably anticipated ~~or known~~⁴³⁷ to justify the need for a wireless communication ~~facilities~~⁴³⁸ facility⁴³⁹ site not shown on a master plan submitted to the city within the prior ~~year.~~⁴⁴⁰ two years or that a new wireless communication facility is necessary to close a significant gap in the applicant's personal communication service and that the proposed facility is the least intrusive means to do so; and⁴⁴¹

d. A siting analysis which identifies all other feasible locations within or without the city which could serve the area intended to be served by the facility. If there are more than five feasible sites, then analysis of only the five most feasible locations need be provided; and⁴⁴²

e. An FCC compliance report, which shall certify that the proposed wireless communication facility will comply with FCC RF emissions standards and which report shall include the following information:⁴⁴³

1. the projected RF exposure levels of the intended installation;⁴⁴⁴

2. an affirmation, under penalty of perjury, that the proposed installation will be FCC compliance, in that it will not cause members of the general public to be exposed to RF levels which exceed the MPE levels deemed safe by the FCC;⁴⁴⁵

3. whether its RF exposure analysis is based upon the occupational / controlled exposure limits or the general population / uncontrolled exposure limits, as defined under 47 CFR § 1.1307 et seq.;⁴⁴⁶

4. ~~Guidelines. All wireless communication facilities located within the public right-of-way shall be designed as follows:~~⁴⁴⁷ the proposed minimum distance upon which projected exposure levels were calculated, i.e., the assumed closest distance the general public will be able to get to the proposed antenna(s).⁴⁴⁸⁴⁴⁹

5. whether or not the exposure calculations are based upon the assumption that the proposed wireless communication facility will be operating at full power.⁴⁵⁰ If the applicant seeks to apply the occupational / controlled exposure limits, the report shall also describe:⁴⁵¹

6. how public access to the facility will be restricted.⁴⁵²⁴⁵³

7. the required warning signs to be installed as described by FCC Office of Engineering & Technology Bulletin 65, Supplement B (latest edition).⁴⁵⁴⁴⁵⁵

f. A statement signed by a person with legal authority to bind the applicant attesting under penalty of perjury to the accuracy of the information provided in the application.⁴⁵⁶

g. A noise study, prepared by a qualified engineer, for the proposed facility, including but not limited to equipment, such as air conditioning units and back-up generators.⁴⁵⁷

h. Such other information as the director shall establish from time to time pursuant to the Permit Streamlining Act, Government Code section 65940.⁴⁵⁸

5. ~~Guidelines. All wireless communication facilities located within a public right-of-way shall be designed as follows:~~⁴⁵⁹⁴⁶⁰⁴⁶¹

a. Facilities shall have subdued colors and non-reflective materials which blend in with the surrounding area as ~~recommended and~~⁴⁶² approved by the ~~director.~~⁴⁶³ commission.⁴⁶⁴

b. ⁴⁶⁵Ground-⁴⁶⁶ mounted equipment shall be screened,⁴⁶⁷ to the fullest extent possible, through the use of landscaping,⁴⁶⁸ walls,⁴⁶⁹ or other decorative feature,⁴⁷⁰ as ~~recommended and~~⁴⁷¹ approved by the ~~director.~~⁴⁷² commission.⁴⁷³

c. ⁴⁷⁴Facilities located within a designated scenic corridor shall be ~~of a camouflage design~~⁴⁷⁵ stealth facilities⁴⁷⁶, with all equipment, excluding required electrical meter cabinets, ~~to be~~⁴⁷⁷ located underground,⁴⁷⁸ or pole-⁴⁷⁹ mounted.⁴⁸⁰ Required electrical meter cabinets shall be screened as ~~recommended and~~⁴⁸¹ approved by the ~~director.~~⁴⁸² commission.⁴⁸³

d. ⁴⁸⁴Pole-⁴⁸⁵ mounted equipment shall not exceed six cubic feet.

e. ⁴⁸⁶Antennas ~~must be installed~~⁴⁸⁷ shall be pole-mounted using the methods described below.⁴⁸⁸

i. If an antenna cannot be mounted as set forth in subsection (1), it may be mounted in accordance with subsection (2). If an antenna cannot be mounted as set forth in either subsection (1) or (2), it may be mounted in accordance with subsection (3):⁴⁸⁹

(1) A stealth facility mounted⁴⁹⁰ on an⁴⁹¹ ~~existing utility or light poles. No new poles may be installed except as replacement for existing poles. An exception to~~⁴⁹² ~~this~~⁴⁹³ ~~requirement shall be~~⁴⁹⁴ where⁴⁹⁵ co-located tower.

(2) A stealth facility mounted on an existing steel or concrete pole, including a light standard; or⁴⁹⁶

(3) A stealth facility mounted on a new steel, wood or concrete pole but only if⁴⁹⁷ an operator shows that it cannot otherwise close a significant gap in its ~~radio-frequency coverage from any other site or combination of sites~~⁴⁹⁸ service coverage, and that the proposal is the least intrusive means of doing so.⁴⁹⁹

ii.⁵⁰⁰ All installations shall be ~~properly~~⁵⁰¹ 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~~⁵⁰² ~~existing antenna-~~⁵⁰³ antennae.⁵⁰⁴

~~i. Utility poles:~~⁵⁰⁵ iii.⁵⁰⁶ The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of ~~the existing utility~~⁵⁰⁷ a pole or tower other than a streetlight pole, nor six (6) feet above the height of a streetlight⁵⁰⁸ pole,⁵⁰⁹ nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen (16) feet above any drivable road surface.⁵¹⁰ All installations on utility poles shall fully comply with California Public Utilities Commission General Order ~~95-~~⁵¹¹ 95 as it now exists or may hereafter be amended.⁵¹²

iv. A freestanding telecommunications tower shall be set back a distance of at least 150% of the height of the tower to the nearest structure designed for occupancy.⁵¹³

~~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.~~⁵¹⁴

f. Wireless communication facilities not located within a ~~designated~~⁵¹⁵ scenic corridor ~~should~~⁵¹⁶ or historic district designated by the city shall be designed to⁵¹⁷ place all equipment underground,⁵¹⁸ excluding required electrical meters.⁵¹⁹ However, if such facilities cannot be placed underground,⁵²⁰ ground-⁵²¹ mounted equipment

may be installed ~~such that it shall not exceed~~⁵²² up to⁵²³ a height of five feet and ~~a total~~⁵²⁴ to a⁵²⁵ footprint of fifteen (15) square feet.

g. ⁵²⁶ Equipment shall be located so as not to cause :⁵²⁷ (i) any physical or visual obstruction to pedestrian or vehicular traffic,⁵²⁸ (ii) ~~an~~⁵²⁹ inconvenience to the public's use of ~~the~~⁵³⁰ a⁵³¹ public right-of-way⁵³² or (iii) safety hazards to pedestrians and motorists. In no case,⁵³⁴ shall ground-mounted equipment, walls, or landscaping⁵³⁶ be less than eighteen (18) inches from the front of the curb.

h. ⁵³⁷ Facilities shall not be located within five hundred (500⁵³⁸) feet of another wireless facility on the same side of ~~the~~⁵³⁹ a⁵⁴⁰ street.

i. ⁵⁴¹ ~~All facilities shall be built in compliance with the Americans with Disabilities Act (ADA).~~⁵⁴² No facility shall be built so as to cause the right-of-way in which the facility is located to fail to comply with the Americans with Disabilities Act.⁵⁴³

j. Facilities shall be set back at least 1,000 feet from schools, homes and parks as measured from the closest point of the wireless facility (including equipment) to the applicable property line unless maintaining such a setback would prevent the applicant from closing a significant gap in its service coverage and the proposed location is the least intrusive means of doing so.⁵⁴⁴

6. Preferred Zones and locations. When doing so would not conflict with the standards set forth in this subsection D, or with state or federal law, facilities shall be located in the most appropriate location as described in this subsection (6). The following areas of the city range from the most appropriate to the least appropriate for wireless communication facilities:⁵⁴⁵

a. co-location on an existing facility in a non-residential zone.⁵⁴⁶

b. location on an existing structure or utility pole in a non-residential zone.⁵⁴⁷

c. location on a new structure in a non-residential zone.⁵⁴⁸

d. co-location on an existing facility in a residential zone.⁵⁴⁹

e. location on an existing structure or utility pole in a residential zone.⁵⁵⁰

f. location on a new structure in a residential zone.⁵⁵¹

No new facility may be placed in a less appropriate location unless the applicant demonstrates to the satisfaction of the commission that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission may authorize a facility to be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.⁵⁵²

~~6.~~⁵⁵³ 7. Findings.⁵⁵⁴ No proposed wireless communication facility within ~~the~~⁵⁵⁶ a⁵⁵⁷ public right-of way may be approved unless the following findings are made:

a. ⁵⁵⁸ The applicant has demonstrated by clear and convincing evidence that the⁵⁵⁹ facility is necessary ~~in order for the operator~~⁵⁶⁰ to close a significant gap in ~~its radio frequency coverage and provide sufficient~~

~~service coverage to the general public.~~⁵⁶¹ the operator's service coverage. Such evidence shall include signal testing of existing facilities. A driving signal test may only be used to evidence a significant gap in serve to outdoor service users. Signal testing to demonstrate a need for a facility to serve users in structures must be based on signal testing within structures.⁵⁶²

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.~~⁵⁶³ applicant has demonstrated by clear and convincing evidence that no feasible alternate site exists that would close a significant gap in the operator's service coverage which alternative site is a more appropriate location for the facility under the standards of paragraph 5 of this subsection.⁵⁶⁴⁵⁶⁵

c. ~~The proposed facility has been designed to blend in~~⁵⁶⁶ with the surrounding environment, with minimal visual impact⁵⁶⁷ ~~to~~⁵⁶⁸ on⁵⁶⁹ the public right-of-way.⁵⁷⁰⁵⁷¹

d. ~~The proposed facility will not have an adverse impact~~⁵⁷² on⁵⁷³ the ~~normal~~⁵⁷⁴ use of the public right-of-way,⁵⁷⁵ including but not limited to, the safe⁵⁷⁶ movement and visibility of vehicles and pedestrians.⁵⁷⁷⁵⁷⁸⁵⁷⁹

e. The facility satisfies the location requirements of paragraph (6) of this subsection.⁵⁸⁰

~~6.~~⁵⁸¹ 8.⁵⁸² Conditions of Approval: In addition to compliance with the guidelines outlined in paragraph⁵⁸³ 4 of this⁵⁸⁴ ~~subsection (D)(4), of this section~~⁵⁸⁵ , all facilities approved under this subsection D⁵⁸⁶⁵⁸⁷ shall be subject to the following conditions:

a. ~~Facilities shall not bear any signs or advertising devices other than legally required certification,~~⁵⁸⁸ warning,⁵⁸⁹ or other required seals or signage,⁵⁹⁰ or as expressly⁵⁹¹ authorized by the city.⁵⁹²⁵⁹³

~~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.~~⁵⁹⁴

~~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.~~⁵⁹⁵

~~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.~~⁵⁹⁶

~~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.~~⁵⁹⁷

⁵
b.
⁹⁸ Validation of Proper Operation: Prior to unattended operations, the applicant for approvals with respect to 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 amended from time to time, shall allow the commission to obtain a detailed technical 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. The applicant shall reimburse the city for its actual costs to conduct that testing to the extent that a wireless carrier has a report on the facility, all reports done on facilities shall be provided to the City.⁵⁹⁹

⁶
c.
⁰⁰ Abandonment.⁶⁰¹

¹
⁰² Wireless communication facilities that are no longer operating shall be removed⁶⁰³
at the expense of the applicant, operator, or owner no later than ninety (90) days after the discontinuation of use. Disuse for ninety (90) days or more shall also constitute a voluntary termination by the applicant of any land use entitlement under this code or any predecessor to this code.⁶⁰⁴⁶⁰⁵⁶⁰⁶

- 2)⁶
07 The director shall send a written notice of the determination of non-operation to the owner and operator of the wireless communication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing shall be conducted pursuant to chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.⁶⁰⁸
- 3)⁶
09 The operator of a facility shall notify the city in writing of its intent to abandon a permitted site. Removal shall comply with applicable health and safety regulations. Upon completing of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.⁶¹⁰
- 4)⁶
11 All facilities not removed within the required ninety-day period shall be in violation of this code. In the event the city removes a disused facility upon the failure of the applicant, operator, or owner to timely do so, the applicant, operator, and owner shall be jointly and severally liable for the payment of all costs and expenses the city incurs in relation to the removal of the facilities, including legal fees and costs.⁶¹³
- d.⁶
14 The applicant and operator of a 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 arising from the city's review and/or approval of the design, construction, operation or maintenance of the facility and/or arising out of or connected with any work done in, or use of, a public right-of-way by an applicant or operator.⁶¹⁵
- e.⁶
16 If, at any time after ten (10) years of the issuance of an encroachment permit, or any shorter period permitted by Government Code Section 65964(b), any wireless communication facility or any portion thereof within a public right-of-way becomes incompatible with public health, safety or welfare or the public's use⁶¹⁷

the public right-of-way, the applicant or operator of the facility shall, upon notice from the City and ⁶¹⁸at its own expense, remove ⁶¹⁹any such facilities. Written notice of a determination that a wireless communications facility has become incompatible with public health, safety or welfare or the public's use of the public right of way shall be sent to the owner and operator of the wireless communication facility, who shall be entitled to a hearing on that determination before the city manager or a hearing officer appointed by the city manager, provided that written request for such a hearing is received by the city clerk within 10 days of the date of the notice. Any such hearing shall be conducted pursuant to chapter 17.74 of this title, although no further appeal from the decision of the city manager may be had other than pursuant to Code of Civil Procedure section 1094.5. Upon a final decision of the city manager or the running of the time for a request for a hearing without such a request, the operator shall have ninety (90) days to remove the facility.⁶²⁰

~~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 ⁶²¹65964(b), any wireless communication facility ⁶²²-or any portion thereof within the public right-of-way ⁶²³-becomes incompatible with public health, safety or welfare ⁶²⁴-or the public's use of the public~~

~~right-of-way, the applicant or operator of the facility will, ⁶²⁵ at its own expense, remove ⁶²⁶ and such facilities in cases where such removal is necessary or in cases where relocate such facility to a location approved by the city. ⁶²⁷~~

~~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. ⁶²⁸~~

~~h~~ ^{629,630} f ⁶³¹ Any approved wireless communication facility within ~~the~~ ⁶³² a ⁶³³ public right-of-way shall be subject to such conditions, ⁶³⁴ changes or limitations as are from time to time deemed necessary by the public works director ~~for the purpose of~~ ⁶³⁵ to ⁶³⁶ (i) ~~protecting~~ ⁶³⁷ protect ⁶³⁸ the public health, safety, ⁶³⁹ and welfare; (ii) ~~preventing~~ ⁶⁴⁰ prevent ⁶⁴¹ interference with pedestrian and vehicular traffic; or (iii) ~~preventing~~ ⁶⁴² prevent ⁶⁴³ damage to ~~the~~ ⁶⁴⁴ a ⁶⁴⁵ public right-of-way or any property adjacent to it. ~~Prior to~~ ⁶⁴⁶ Before ⁶⁴⁷ the director of public works ~~imposing additional~~ ⁶⁴⁸ imposes ⁶⁴⁹ conditions, ⁶⁵⁰ changes, ⁶⁵¹ or limitations pursuant to this paragraph (f) ⁶⁵², he or she shall notify the applicant or operator, ⁶⁵³ in writing, ~~either~~ ⁶⁵⁴ by mail ⁶⁵⁵ to the address set forth in the application or such ⁶⁵⁶ other address as may be ⁶⁵⁷ on file with the city. ⁶⁵⁸ Such change, ⁶⁵⁹ new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.

~~i~~ ⁶⁶⁰ g ⁶⁶¹ An applicant shall not transfer ~~the~~ ⁶⁶³ a ⁶⁶⁴ permit to any person or entity ⁶⁶⁵ prior to completion of construction of a wireless communication facility. ⁶⁶⁶

~~j~~ ⁶⁶⁷ h ⁶⁶⁸ The applicant or operator of the wireless communication facility shall not move, alter, temporarily relocate, ⁶⁷⁰ change, ⁶⁷¹ or interfere with any existing facility without the prior written ⁶⁷² consent of the owner of that facility. No structure, ⁶⁷³ improvement or facility owned by the city shall be moved to accommodate a wireless communication facility unless: ⁶⁷⁴ (i) the city determines, ⁶⁷⁵ in its ⁶⁷⁶ sole and absolute discretion, ⁶⁷⁷ that such movement will not adversely affect the city or ~~any~~ ⁶⁷⁸ surrounding residents or businesses, ⁶⁷⁹ and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant ~~operators~~ ⁶⁸⁰ or operator ⁶⁸¹ of any wireless communication facility shall assume full liability for damage or injury caused to any ~~facilities~~ ⁶⁸² property ⁶⁸³ or ~~persons~~ ⁶⁸⁴ person ⁶⁸⁵ by his, ⁶⁸⁶ her, or its facility. ~~Prior to~~ ⁶⁸⁷ Before ⁶⁸⁸ commencement of any work pursuant to an encroachment permit issued for any wireless communication facility within ~~the~~ ⁶⁸⁹ a ⁶⁹⁰ public right-⁶⁹¹ of-⁶⁹² way, ~~the~~ ⁶⁹³ an ⁶⁹⁴ applicant ⁶⁹⁵ shall provide the city with documentation establishing to the city's satisfaction that ~~he~~ ⁶⁹⁶ the ⁶⁹⁷ 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. ⁶⁹⁸

~~k~~ ^{699,700} i ⁷⁰¹ Should any utility company offer electrical service ~~that~~ ⁷⁰² to a wireless facility which service ⁷⁰³ does not require the use of a meter

cabinet, the applicant or operator of the facility agrees at its ~~sole~~⁷⁰⁴ cost ~~and expense~~⁷⁰⁵ to remove the meter cabinet and any foundation thereof and ~~reasonably~~⁷⁰⁶ restore the area to its prior condition.

j. On each January 15th following the effective date of any permit authorizing a wireless telecommunications facility, the applicant or operator shall pay a fee to reimburse the city's costs to confirm whether the wireless communications facility complies with applicable law. If the city adopts a regulatory fee to fund such compliance reviews, any fee paid under this condition shall be credited against that fee.⁷⁰⁷

k. The wireless telecommunications facility may operate only until the tenth anniversary of the date the wireless telecommunications facility is first placed into service, unless the date of service is further extended by additional term(s) not to exceed ten years pursuant to a wireless facility permit issued under this section 17.12.050. There is no limit to the number of times that a proposed facility may obtain extensions.⁷⁰⁸

9. Monitoring Requirements. The owner or operator of each wireless communication facility approved under this subsection D of this section 17.12.050 shall allow the director to obtain a detailed technical report prepared by a qualified engineer verifying that the facility is in conformance with the uncontrolled/general population RF exposure standards established by FCC Office of Engineering & Technology Bulletin 65 (latest edition) and in conformance with relevant building requirements and a report prepared by another qualified person as to the compliance of the wireless communications facility with the requirements of other applicable law, including this title and the conditions of any approval granted under this title. The applicant owner or operator shall reimburse the city for its actual costs of that testing to the extent those costs are not recovered by any regulatory fee imposed by the city. If monitoring demonstrates that a wireless communications facility is not in compliance with the requirements of applicable law, that shall be a basis for the revocation of any permit granted under this title pursuant to section 17.80.070 of this title.⁷⁰⁹

10. Violations. The city may revoke a wireless facility permit for any wireless communication facility in violation of this section in accordance with Section 17.80.070 of this 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.⁷¹⁰

~~7. Construction:~~⁷¹¹ ~~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.~~⁷¹²

11. Noise. No wireless telecommunications facility shall emit noise louder than fifty (50)⁷¹³ decibels (dBA) as measured from the property line consistent with the requirements of section 17.20.160 of this title. The applicant shall undertake all reasonably feasible efforts to deaden noise for the protection of occupants of nearby structures.⁷¹⁴

E. **Standards for Satellite Antennas.** ⁷¹⁵ Satellite antennas, ⁷¹⁶ including portable units and dish antennas, ⁷¹⁷ shall be designed, ⁷¹⁸ installed and maintained in compliance with the regulations of the Federal Communications Commission. ⁷¹⁹ Satellite antennas with a ~~diameter~~ ⁷²⁰ diameters ⁷²¹ larger than one meter in residential ~~areas~~ ⁷²² zones ⁷²³ and two meters in ~~commercial or industrial areas~~ ⁷²⁴ non-residential zones ⁷²⁵ shall also comply with the following requirements; ⁷²⁶ provided these provisions ~~are~~ ⁷²⁷ do ⁷²⁸ not ~~in-~~ ⁷²⁹ conflict with applicable state and federal regulations. ⁷³⁰

1. ⁷³¹ **Permit Requirement.** ⁷³² Zoning clearance shall be required for satellite antennas with a ~~diameter~~ ⁷³³ diameters ⁷³⁴ of one meter or less; administrative plan review approval shall be required for antennas larger than one meter. ~~A conditional use permit~~ ⁷³⁵ Wireless facility permits ⁷³⁶ shall be required for antennas ~~greater~~ ⁷³⁷ larger ⁷³⁸ than one meter ~~that are~~ ⁷³⁹ located within a designated scenic corridor.
2. ⁷⁴⁰ **Application - Plans.** ⁷⁴¹ Plans for satellite antennas shall be submitted with ~~each application~~ ⁷⁴² applications ⁷⁴³ for a building permit, and shall include a site plan and elevation drawings, indicating the height, diameter, color, setbacks, ⁷⁴⁴ foundation details, ⁷⁴⁵ landscaping, ⁷⁴⁶ and method of screening. ⁷⁴⁷ The plans shall be subject to approval of the director.
3. ⁷⁴⁸ **Location.** ⁷⁴⁹ No satellite antenna shall be located within any required front ⁷⁵⁰ or street ⁷⁵¹ side ⁷⁵² yard setbacks in any ~~zoning district~~ ⁷⁵³ zone ⁷⁵⁴. In addition, ⁷⁵⁵ no portion of a satellite antenna shall extend beyond ~~a~~ ⁷⁵⁶ property lines ⁷⁵⁷ line ⁷⁵⁸.
4. ⁷⁶¹ **Color.** ⁷⁶² A satellite antenna and its supporting structure shall be painted a single ⁷⁶³ neutral, non-⁷⁶⁴ glossy color, ⁷⁶⁵ such as ~~an~~ ⁷⁶⁶ an ⁷⁶⁷ earth-~~tones~~ ⁷⁶⁸ tone ⁷⁶⁹, gray, ⁷⁷⁰ or black, ⁷⁷¹ and, ⁷⁷² to the extent possible, ⁷⁷³ be compatible with the appearance and character of the surrounding neighborhood.
5. ⁷⁷⁷ **Wiring.** ⁷⁷⁸ All ~~electrical and antenna~~ ⁷⁷⁹ wiring shall be placed underground whenever possible.
6. ⁷⁸⁰ **Residential Districts** ⁷⁸¹ Zones ⁷⁸² ⁷⁸³. In any residential ~~zoning district,~~ ⁷⁸⁴ zone, ⁷⁸⁵ satellite antennas shall be subject to the following standards:
 - a. ⁷⁸⁶ Only ground-⁷⁸⁷ mounted satellite antennas shall be permitted. ⁷⁸⁸ Ground ⁷⁸⁹ mounted antennas shall ~~as much as is~~ ⁷⁹⁰ technically possible ⁷⁹¹ be located in the rear yard of any property to the extent technically possible ⁷⁹²;
 - b. ⁷⁹² ~~The height of the satellite~~ ⁷⁹³ Satellite ⁷⁹⁴ antennas shall not exceed fifteen (15) feet in height ⁷⁹⁵;
 - c. ⁷⁹⁶ Only one ⁷⁹⁷ satellite ~~one~~ ⁷⁹⁸ antenna may be permitted on any single ⁷⁹⁹ family residential site. ~~At~~ ⁸⁰⁰ multiple family residential ⁸⁰¹ sites, only ⁸⁰² Only ⁸⁰³ one antenna shall be permitted per dwelling unit on ⁸⁰⁴ any ⁸⁰⁵ multiple family residential ⁸⁰⁶ site ⁸⁰⁷;

- d. ⁸⁰⁷ ~~The~~ ⁸⁰⁸ A ⁸⁰⁹ satellite antenna shall be separated from adjacent properties by at least a six-foot ⁸¹⁰ high solid wall or fence or by trees or other ⁸¹¹ plants ~~or trees~~ ⁸¹² of equal minimum height;
 - e. ⁸¹³ Any satellite antenna that is taller than an ⁸¹⁴ adjacent property line ⁸¹⁵ ~~fences~~ ⁸¹⁶ fence ⁸¹⁷ shall be located away from the side or rear property line ~~at~~ ⁸¹⁸ a distance equal to or greater than the height of the antenna;
 - f. The diameter of ~~the~~ ⁸¹⁹ a ⁸²⁰ satellite antenna shall not exceed two meters. ⁸²¹ This provision may be modified by the director if the applicant provides a ~~technically~~ ⁸²² sufficient technical ⁸²³ study prepared by a qualified engineer demonstrating to the director's satisfaction that strict compliance would result in no satellite reception; and,
 - g. ⁸²⁴ ~~The~~ ⁸²⁵ A ⁸²⁶ satellite antenna shall be used for private, ⁸²⁷ noncommercial, ⁸²⁸ purposes only. ⁸²⁹
7. ⁸³⁰ Nonresidential Districts ⁸³¹ Zones ⁸³² ⁸³³ . In any nonresidential zoning ⁸³⁴ district ⁸³⁵ zone ⁸³⁶ , satellite antennas may be roof-⁸³⁷ or ground-mounted. ~~These antennas~~ ⁸³⁸ and ⁸³⁹ shall be subject to the following standards ⁸⁴⁰ ⁸⁴¹ :
- a. ⁸⁴² If roof-⁸⁴³ mounted, ~~the~~ ⁸⁴⁴ ⁸⁴⁵ satellite antennas shall be screened from ground view by a parapet or other ~~type of city approved~~ ⁸⁴⁶ screening approved by the city ⁸⁴⁷ ⁸⁴⁸ . The minimum height and design of ~~the~~ ⁸⁴⁹ a ⁸⁵⁰ parapet, wall, ⁸⁵¹ or other ⁸⁵² screening shall be subject to the approval of the director;
 - b. ⁸⁵³ If ground-⁸⁵⁴ mounted, ~~the~~ ⁸⁵⁵ ⁸⁵⁶ satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;
 - c. ⁸⁵⁷ The location and height of ~~the~~ ⁸⁵⁸ satellite antennas shall comply with all requirements of the underlying zoning district ⁸⁵⁹ zone ⁸⁶⁰ ; and
 - d. ⁸⁶¹ If the subject site abuts a residential zoning ⁸⁶² district ⁸⁶³ zone ⁸⁶⁴ , all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless ~~otherwise~~ ⁸⁶⁵ screened from view. ⁸⁶⁶
- F. **Standards for Amateur Radio Antennas.** ⁸⁶⁷ All amateur radio antennas shall be designed, ⁸⁶⁸ constructed and maintained ~~in the following manner:~~ ⁸⁶⁹ as follows: ⁸⁷⁰
- 1. ⁸⁷¹ The maximum height shall not exceed forty (40) feet, measured from finished grade;
 - 2. ⁸⁷² Any boom or other active element ⁸⁷³ or ⁸⁷⁴ accessory structure shall not exceed twenty-five (25) feet in length;

3. ~~The antennas~~⁸⁷⁵ Antennas⁸⁷⁶ may be roof⁸⁷⁸ or ground⁸⁷⁹ mounted; and
4. ~~May~~⁸⁸⁰ Antennas may⁸⁸¹ not be located in any front⁸⁸³ or side⁸⁸⁴ yard setbacks;
5. ~~These standards in this subsection~~⁸⁸⁵ ~~G~~⁸⁸⁶ F⁸⁸⁷ are subject to modification or waiver by the director on a case⁸⁸⁸-by⁸⁸⁹ case basis where required for the city to comply with FCC PRB-1 and California Government Code 65850.⁸⁹⁰ ~~regulations,~~⁸⁹¹ and where such modification or waiver is based on ~~technically~~⁸⁹² sufficient technical⁸⁹³ information provided in writing by the applicant at the ~~direction~~⁸⁹⁴ request⁸⁹⁵ of the city.⁸⁹⁶

G. **Effects of Development on Antenna Reception.** The city shall not be liable if development within the city after installation of ~~the~~⁸⁹⁷ an⁸⁹⁸ antenna impairs ~~to any degree~~⁸⁹⁹ antenna reception,⁹⁰⁰ transmission,⁹⁰¹ utility,⁹⁰² or function to any degree^{903 904}.

H. **Communications and Technology Commission as Planning Commission for Specified Purposes.**⁹⁰⁵

For purposes of approvals required by this section 17.⁹⁰⁶ 12.0⁹⁰⁷ 50⁹⁰⁸ and any other entitlement under this code required only because the application seeks to construct or operate a wireless communications facility (including,⁹⁰⁹ but not limited to,⁹¹⁰ a scenic corridor permit, a variance,⁹¹¹ or an oak tree permit),⁹¹² ~~"~~⁹¹³ commission⁹¹⁴ ~~"~~^{915,916} means the Communications and Technology Commission created pursuant to chapter 2.⁹¹⁷ 38 of this code, which is hereby constituted as a planning commission of the city for that purpose pursuant to Government Code section 65100⁹¹⁸. As to any application that seeks approvals for both (i) new structures,⁹¹⁹ or uses of existing structures or of land other than construction and operation of a wireless communications facility and (ii) for the construction and operation of a wireless communications facility, the Communications and Technology Commission shall be the ~~"~~⁹²⁰ commission⁹²¹ ~~"~~^{922,923} for purposes of approvals required only because the application seeks to construct and operate a wireless communications facility and the Planning Commission created pursuant to chapter 2.⁹²⁴ 28 of this code shall be the ~~"~~⁹²⁵ commission⁹²⁶ ~~"~~^{927,928} for all other entitlements sought by the application. In addition, the Communications and Technology Commission shall be the ~~"~~⁹³⁰ commission⁹³¹ ~~"~~^{932,933} for purposes of review of proposed amendments to this section ~~17.12.050.~~⁹³⁴ 17.12.050.⁹³⁵

I. **Private enforcement.** In addition to any other remedy available to the city under this code, at law or in equity, violations of this section 17.12.050 may be remedied as follows:⁹³⁶

1. The city attorney or city prosecutor may bring a civil action to enforce this section and to obtain the remedies specified below or otherwise available in equity or at law.⁹³⁷
2. Any person acting for the interests of him-, her-, or itself, or of its members, or of the general public (hereinafter "a private enforcer") may bring a civil action to enforce this section with the remedies specified below, if both the following requirements are met:⁹³⁸
 - a. The action is commenced more than sixty (60) days after the private enforcer gives written notice of an alleged violation of this section to the city attorney and to the alleged violator.⁹³⁹

- b. No person acting on behalf of the city has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.⁹⁴⁰
3. A private enforcer shall provide a copy of his, her, or its action to the city attorney within seven days of filing it.⁹⁴¹
4. Upon settlement of or entry of judgment in an action brought pursuant to paragraph (7) of this subsection (f), the private enforcer shall give the city attorney a notice of that settlement or judgment. No private enforcer may settle such an action unless the city attorney or the court determines the settlement to be reasonable in light of the purposes of this section. Any settlement in violation of this requirement shall be⁹⁴² set aside upon motion of the city attorney or city prosecutor to a court of competent jurisdiction.⁹⁴⁴
5. Upon proof of a violation of this section, the court shall award the following:⁹⁴⁵
- a. Damages in the amount of either:⁹⁴⁶
- i. Upon proof, actual damages;⁹⁴⁷
- ii. With insufficient or no proof of damages, two hundred fifty dollars (\$250.00) for each violation of this section (hereinafter "statutory damages"). Unless otherwise specified in this section, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this section, no private enforcer suing on behalf of the general public shall recover statutory damages based upon a violation of this section if a previous claim brought on behalf of the general public for statutory damages and based upon the same violation has been adjudicated, whether or not the private enforcer was a party to that earlier adjudication.⁹⁴⁸
- b. Restitution to the appropriate party or parties of gains obtained due to a violation of this section.⁹⁴⁹
- c. Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for public health and safety.⁹⁵⁰
- d. Attorney's fees and costs reasonably incurred by a successful party in prosecuting or defending an action.⁹⁵¹
- Any damages awarded in an action brought by the city attorney or city prosecutor shall be paid into the city's general fund, unless the court determines that they should be paid to a damaged third party.⁹⁵²
6. Upon proof of at least one violation of this section, a private enforcer, the city prosecutor, city attorney, any peace officer or code enforcement official may obtain an injunction against further violations of this section or, as to small claims court actions, a judgment payable on condition that a further violation of this section occur within a time specified by the court.⁹⁵³

7. Notwithstanding any legal or equitable bar, a private enforcer may bring an action to enforce this section solely on behalf of the general public. When a private enforcer does so, nothing about such an action shall act to preclude or bar the private enforcer from bringing a subsequent action on his, her, or its own behalf based upon the same facts.⁹⁵⁴

8. Nothing in this section shall prohibit a private enforcer from bringing an action to enforce this section in small claims court, provided the relief sought is within the jurisdiction of that court.⁹⁵⁵

J. **Additional Notice to Neighbors.** After an application to allow the installation of a wireless facility pursuant to subsections C and D of this section is complete, the city shall endeavor to provide property owners at least 30 days' prior notice of the initial public hearing on the matter as follows.⁹⁵⁶

1. Written notice shall be mailed to the record owner of each property within 1,000 feet of the proposed site.⁹⁵⁷

2. Telephone notice via the city's reverse 911 service shall be given to owners or occupants of properties more than 1,000, but within 1,500, feet of the proposed site.⁹⁵⁸

A public hearing may be set on less than 30 days' notice if necessary to comply with applicable law, including but not limited the Federal Communications Commission Declaratory Ruling 09-99, WT docket number 08-165, released November 18, 2009 (the "Shot Clock" ruling) as it now exists or may hereafter be amended.⁹⁵⁹

Failure of the city to provide notice pursuant to this subsection J shall not be grounds to challenge a determination provided that the notice otherwise required by law has been provided.⁹⁶⁰

K. **Definitions.** In addition to the definitions provided in chapter 17.90 of this title and in chapter 1.08 of title 1 of this Code, this section 17.12.050 shall be construed in light of the following definitions:⁹⁶¹

"Accessory equipment" means any equipment installed, mounted, operated or maintained in close proximity to a wireless communication facility to provide power to the wireless communication facility or to receive, transmit or store signals or information received by or sent from a wireless communication facility.⁹⁶²

"Antenna structure" means any antenna, any structure designed specifically to support an antenna and/or any appurtenances mounted on such a structure or antenna.⁹⁶³

"Applicable law" means all applicable federal, state and local law, ordinances, codes, rules, regulations and orders, as the same may be amended from time to time.⁹⁶⁴

"Applicant" includes any person or entity submitting an application to install a wireless communication facility under this section and the persons within the scope of the term "applicant" as defined by section 17.90.020 of this code.⁹⁶⁵

“City” means the City of Calabasas and is further defined in section 1.08.020 of this code.⁹⁶⁶

“Commission” has the meaning set forth in paragraph H. of this section.⁹⁶⁷

dBa is defined in chapter 17.90 of this title.⁹⁶⁸

“FCC” means the Federal Communications Commission or any successor to that agency.⁹⁶⁹

“In-kind call testing” means testing designed to measure the gap in coverage asserted by an applicant. If a claimed gap is for in-building coverage, then in-building call testing must be performed to establish the existence or absence of such a gap unless the applicant provides a sworn affidavit demonstrating good faith but unsuccessful attempts to secure access to buildings to conduct such testing. Claimed gaps in service for “in-vehicle” or “open-air” service may be demonstrated by call testing performed in vehicles or in the open.⁹⁷⁰

“Least intrusive means” means that the location or design of a wireless communications facility addresses a significant gap in an applicant’s personal communication service while doing the least disservice to the policy objectives of this chapter as stated in section 17.12.050(A). Analysis of whether a proposal constitutes the least intrusive means shall include consideration of means to close an asserted significant gap by co-locating a new wireless communications facility on the site, pole, tower, or other structure of an existing wireless communication facility.⁹⁷¹

“MPE” means maximum permissible exposure.⁹⁷²

“OET” or “FCC OET” means the FCC’s Office of Engineering & Technology.⁹⁷³

“Open space” includes (1) land which is zoned OS, OS DR, or REC,(2) land in residential zones upon which structures may not be developed by virtue of a restriction on title, (3) all common areas, private parks, slope easements, and (4) any other area owned by a homeowners association or similar entity.⁹⁷⁴

“Park” and “playground” shall have their ordinary, dictionary meanings.⁹⁷⁵

“Personal communication service” means commercial mobile services provided under a license issued by the FCC.⁹⁷⁶

“Private Enforcer” has the meaning provided in subsection (l)(2)of this section 17.12.050.⁹⁷⁷

“Residential zone” means a zone created by chapter 17.13 of this title.⁹⁷⁸

“RF” means radio frequency.⁹⁷⁹

“Significant gap” as applied to an applicant’s personal communication service or the coverage of its wireless communication facilities is intended to be defined in this chapter consistently with the use of that term in the Telecommunications Act of 1996 and case law construing that statute. Provided that the neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:⁹⁸⁰

1. A significant gap may be demonstrated by in-kind call testing.^{981 982}
2. The commission shall accept evidence of call testing by the applicant and any other interested person and shall not give greater weight to such evidence based on the identify of the person who provides it but shall consider (i) the number of calls conducted in the call test, (ii) whether the calls were taken on multiple days, at various times, and under differing weather and traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.^{983 984}
3. A significant gap may be measured by:^{985 986}
 - a. The number of people affected by the asserted gap in service^{987 988}
 - b. Whether a wireless communication facility is needed to improve weak signals or to fill a complete void in coverage;^{989 990}
 - c. Whether the asserted gap affects highway 101, a state highway, or an arterial street which carries significant amounts of traffic.^{991 992}

“Stealth facility” means any wireless communication facility which is designed to substantially blend into the surrounding environment by, among other things, architecturally integrating into a structure or otherwise using design elements to conceal antennas, antenna supports, poles, equipment, cabinets, equipment housing and enclosure; and related above-ground accessory equipment.⁹⁹³

“Wireless communication facility,” “wireless telecommunication facility,” or “wireless facility” means a structure, antenna, pole, tower, equipment, accessory equipment and related improvements used, or designed to be used, to provide wireless transmission of voice, data, images or other information, including but not limited to radio, television, cellular phone service, personal communication service and paging service.⁹⁹⁴

“Wireless facility permit” means a permit issued under this chapter authorizing the installation, operation and maintenance of a wireless

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communications facility. Except as otherwise provided by this chapter, the procedures for the application for, approval of, and revocation of such a permit shall be those required by this title (including, but not limited to, those of section 17.62.060) for a conditional use permit.⁹⁹⁵

Document comparison by Workshare Professional on Thursday, January 26, 2012 9:33:42 PM

Input:	
Document 1 ID	interwovenSite://ntsql4/IMANAGE/107364/1
Description	#107364v1<IMANAGE> - Wireless Facility Ordinance - Current as of 11/9/2011
Document 2 ID	interwovenSite://ntsql4/IMANAGE/107365/1
Description	#107365v1<IMANAGE> - Wireless Facility Ordinance - all proposed changes accepted as of 1/26/2012
Rendering set	standard

Legend:	
Insertion	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Redline Summary:		
No.	Change	Text
1	Insertion	Ordinance No. 2012- Exhibit A
2	Format change	..
3	Format change	.
4	Format change	0
5	Deletion	A.
6	Change	"Purpose and Intent" changed to "A. Purpose and Intent"
7	Format change	.
8-9	Change	"The purpose of this...control the installation"

		changed to "The purpose of this...the installation"
10-11	Change	"the installation of antennas and" changed to "the installation, operation and"
12-13	Change	"and related wireless communication facilities" changed to "and maintenance of...communication facilities"
14-15	Change	"wireless communication...within the city" changed to "wireless communication facilities in the city"
16	Format change	.
17-18	Change	"It is recognized that" changed to "The city recognizes that"
19	Change	"that unrestricted" changed to "that the unrestricted"
20-21	Change	"unrestricted...to the city's efforts" changed to "unrestricted installation...to the city's efforts"
22	Format change	,
23	Change	"and the city's efforts to...safety and aesthetic" changed to "and to promote safety and aesthetic"
24	Format change	,
25	Format change	.
26	Deletion	It is the intent of this section to permit
27	Moved from	wireless communication facilities where they
28	Deletion	can be installed without creating an
29	Moved from	adverse economic, safety and
30	Deletion	aesthetic impact
31	Moved from	on nearby properties and the
32	Deletion	overall community.
33	Insertion	In enacting this section, the city intends to:
34-35	Insertion	1. Promote and protect...of this title,

		and
36-37	Insertion	2. Protect the benefits...facilities in the city.
38-39	Insertion	3. Balance these goals,...and operation of
40	Moved to	wireless communication facilities where they
41	Insertion	are needed, while...extent feasible,
42	Moved to	adverse economic, safety and
43	Insertion	/ or aesthetic impacts
44	Moved to	on nearby properties and the
45	Insertion	community as a whole.
46-47	Insertion	4. Comply with applicable...Telecommunications Act.
48	Deletion	B.
49	Change	"Applicability." changed to "B. Applicability."
50	Change	"to all proposed antennas and related" changed to "to all proposed ...and related"
51	Format change	,
52	Insertion	1. All applications for...facilities in the City.
53-54	Change	"facilities for which applications" changed to "2. All facilities for which applications"
55	Change	"approved prior to the...date of this section" changed to "approved prior to the...codifying this section"
56	Format change	,
57	Deletion	2.
58	Change	"All facilities for which applications" changed to "3. All facilities for which applications"
59-60	Change	"effective date of the ordinance codified in this" changed to "effective date of the ordinance codifying this"
61-62	Change	"this title shall be exempt from" changed to

		"this section shall be exempt from"
63	Change	"shall be exempt from the...section, except for the" changed to "shall be exempt from this section, except for the"
64	Change	"this section, except for...of subsections" changed to "this section, except for...of subsections"
65-66	Change	"requirements of...(C)(6), (C)(7) and" changed to "requirements of subsections C.7 and"
67-68	Change	"and (C)(8" changed to "and D.8"
69	Change	"8)" changed to "8(c)"
70-71	Change	") of this section;" changed to ");"
72	Deletion	3.
73	Change	"All" changed to "4. All"
74	Change	"All facilities which" changed to "All facilities for which"
75	Change	"which have" changed to "which applications have"
76-77	Change	"approved, but are now ...modified, expanded" changed to "approved, but are now ...hereafter: (a) expanded"
78-79	Change	"expanded, reduced, or for...of this section" changed to "expanded or (b) modified...comply with this section"
80	Format change	.
81	Format change	C.
82-83	Change	"communication facilities...the public right-of" changed to "communication facilities...within a public right-of"
84	Format change	-
85-86	Change	"communication facilities...shall comply" changed to "communication facilities...shall comply"
87-88	Change	"communication facility...from the commission" changed to "communication facility...from the commission"
89-90	Change	"from the commission; (ii)...of a building permit." changed to "from the commission, (ii)...provisions of this"
91	Moved to	code including a building...be first reviewed by
92	Insertion	the development review...s service coverage.
93	Format change	.

94	Format change	.
95	Change	"communication facilities...information, in addition" changed to "communication facilities...information, in addition"
96-97	Change	"information required by...use permit application" changed to "information required by...permit application"
98	Insertion	permit application pursuant to chapter
99	Change	":" changed to "17.60 of this title:"
100-101	Change	"demonstrating a good...with the location" changed to "demonstrating a good...with the location"
102-103	Change	"with the location requirements in subsection 3" changed to "with the location requirements of subsection 3"
104	Change	"subsection 3(d) of this" changed to "subsection 3 of this"
105-106	Change	"of this section; and" changed to "of this paragraph C; and"
107	Format change	,
108	Change	"assist the commission in...of the proposed facility" changed to "assist the commission in...of the proposed facility"
109	Insertion	the provisions of this section; and
110	Format change	.
111-112	Change	"facilities maintained by...operator within the city" changed to "facilities maintained by...to serve the city"
113	Format change	.
114	Change	"all potential locations...for construction within" changed to "all potential locations...for construction within"
115-116	Change	"anticipated for...of the application." changed to "anticipated for...of the application."
117-118	Change	"of the application....that are not consistent" changed to "of the application....that are not consistent"
119-120	Change	"the master plan for a...year from approval of a" changed to "the master plan for a...years from approval of a"
121-122	Change	"from approval of a conditional use permit unless" changed to "from approval of a...facility permit unless"

123	Change	"permit unless the applicant can demonstrate" changed to "permit unless: (i) the applicant can demonstrate"
124-125	Change	"the applicant can demonstrate that conditions" changed to "the applicant can...changed conditions"
126	Change	"conditions have changed...not have been reasonably" changed to "conditions which could not have been reasonably"
127	Change	"have been reasonably...the need for a wireless" changed to "have been reasonably...the need for a wireless"
128-129	Change	"submitted to the city within the prior year." changed to "submitted to the city...means to do so; and"
130	Insertion	d. A siting analysis...need be provided; and
131	Insertion	e. An FCC...following information:
132	Insertion	1. the projected RF...intended installation;
133	Insertion	2. an affirmation, under...deemed safe by the FCC.
134	Insertion	3. whether its RF...47 CFR § 1.1307 et seq.;
135	Insertion	4. the proposed minimum...the proposed antenna(s);
136	Insertion	5. whether or not the...shall also describe:
137-138	Insertion	6. how public access to...will be restricted;
139-140	Insertion	7. the required warning...B (latest edition).
141	Insertion	f. A statement...in the application; and
142	Insertion	g. A noise...back-up generators; and
143	Insertion	h. Such other information...Code section 65940.
144	Format change	.
145	Format change	.
146-147	Change	"In order to minimize" changed to "To minimize"
148	Change	"minimize their aesthetic and visual" changed to "minimize aesthetic and visual"
149-150	Change	"aesthetic and visual impact on the" changed to "aesthetic and visual impacts on the"

151	Change	"on the surrounding community," changed to "on the community,"
152	Change	"community, to the extent...communication facilities" changed to "community, wireless communication facilities"
153-154	Change	"communication facilities...the following standards" changed to "communication facilities...the following standards"
155	Change	"the following standards:" changed to "the following standards to the extent feasible:"
156	Format change	.
157-158	Change	"General Requirement....of this section." changed to "General Requirements."
159	Insertion	i. All...maximum extent feasible.
160	Insertion	ii. A freestanding...zoned or occupied lot.
161	Insertion	iii. All new...means to do so.
162	Format change	.
163-164	Change	"locations must be...a camouflaged facility:" changed to "locations must be designed as a stealth facility:"
165	Format change	.
166-167	Change	"Within any nonresidential zoning district on" changed to "Within any nonresidential zone on"
168-169	Change	"II. Within the Old Town overlay zone;" changed to "ii. Within the Old Town overlay zone;"
170	Format change	.
171	Change	"that is designated historic by the council; and," changed to "that is designated...the city council; and,"
172	Format change	.
173	Change	"Within a city designated scenic corridor" changed to "Within a scenic corridor"
174-175	Change	"scenic corridor." changed to "scenic corridor designated by the city;"
176	Insertion	vi. Within a...designated by the city;
177	Format change	.
178	Format change	.
179-180	Change	"communication facilities...if the applicant" changed to "communication facilities...if the applicant"

181-182	Change	"these locations if the...a conditional use permit" changed to "these locations if the...wireless facility permit"
183-184	Change	"permit application with the" changed to "permit from the"
185-186	Change	"the city; and" changed to "the commission and"
187	Change	"and (ii) provides" changed to "and provides"
188	Change	"provides technically-sufficient" changed to "provides sufficient"
189-190	Change	"sufficient conclusive...the proposed location" changed to "sufficient technical...the proposed location"
191-192	Change	"proposed location is...this development code." changed to "proposed location is...that significant gap."
193	Format change	.
194	Format change	.
195	Change	"viewed from Las Virgenes Road, Mulholland Highway" changed to "viewed from Las Virgenes...Mulholland Highway"
196	Format change	,
197	Format change	.
198	Format change	.
199-200	Change	"Residential Zoning Districts" changed to "Residential Zones"
201	Format change	.
202-203	Change	"be located within a...areas set aside for" changed to "be located within a...areas set aside for"
204	Format change	,
205	Format change	.
206	Format change	.
207-208	Change	"structures utilizing the...be mounted as set forth" changed to "structures utilizing the...be mounted as set forth"
209-210	Change	"cannot be mounted as set...in accordance with" changed to "cannot be mounted as set...in accordance with"
211-212	Change	"in accordance with subsection (iii):" changed to "in accordance with...with subsection (iii):"
213	Format change	.

214-215	Change	"A camouflaged facility mounted on an existing" changed to "A stealth facility mounted on an existing"
216	Change	"mounted on an existing...to a façade, roof or co" changed to "mounted on an existing structure or co"
217	Format change	-
218	Change	"located tower;" changed to "located on an existing tower;"
219	Format change	.
220-221	Change	"A camouflaged facility mounted on an existing" changed to "A stealth facility mounted on an existing"
222-223	Change	"iii. A camouflaged...mounted on a new steel" changed to "iii. A stealth...mounted on a new steel"
224	Format change	,
225	Insertion	e. Preferred...facilities:
226	Insertion	i. co-location on an...a non-residential zone;
227	Insertion	ii. location on an...a non-residential zone;
228	Insertion	iii. location on a new...a non-residential zone;
229	Insertion	iv. co-location on an...in a residential zone;
230	Insertion	v. location on an...in a residential zone;
231	Insertion	vi. location on a new...in a residential zone.
232	Insertion	No new facility may be...aesthetic impacts.
233	Format change	.
234	Format change	.
235	Format change	.
236-237	Change	"The facilities shall have subdued colors and" changed to "Facilities shall have subdued colors and"
238-239	Change	"shall have subdued colors...which blend with the" changed to "shall have subdued colors...which blend with the"
240	Format change	.
241	Format change	.
242	Format change	-
243-244	Change	"be fully screened in a manner to be compatible" changed to "be fully screened in a manner that is compatible"
245	Change	"compatible with the...and type of material"

		changed to "compatible in color, texture and type of material"
246	Change	"color, texture and type of material." changed to "color, texture and type...the facility is mounted."
247	Format change	.
248	Format change	-
249-250	Change	"mounted facilities shall" changed to "mounted equipment shall"
251	Format change	,
252	Change	"through the use of...and approved by the" changed to "through the use of landscaping as approved by the"
253-254	Change	"approved by the director." changed to "approved by the commission."
255	Format change	,
256	Change	"other signage required by...or permitted by the city" changed to "other signage required by...permitted by the city"
257	Format change	.
258	Format change	.
259-260	Change	"associated with the ...wireless communication" changed to "associated with the ... wireless communication"
261	Insertion	f. No wireless...louder than fifty (50)
262	Insertion	decibels (dBA) as...of nearby structures,
263	Format change	.
264	Format change	.
265-266	Change	"For any wireless communication facility" changed to "Prior to unattended...communication facility"
267	Format change	,
268	Change	"as may be amended" changed to "as it may be amended"
269	Insertion	may be amended from time to time
270	Format change	,
271	Change	"the applicant facility shall" changed to "shall"
272-273	Change	"shall provide the" changed to "shall allow the"
274-275	Change	"the director a technically detailed" changed to "the commission to obtain a detailed"

276	Change	"detailed report prepared by a qualified engineer" changed to "detailed technical report...by a qualified engineer"
277-278	Change	"established by FCC OET...and that the applicant" changed to "established by FCC OET Bulletin 65. The applicant"
279	Change	"applicant reimburse the city for its actual" changed to "applicant shall reimburse the city for its actual"
280-281	Change	"reimburse the city for...verifying that testing." changed to "reimburse the city for...to unattended operation."
282	Format change	.
283-284	Change	"Monitoring Requirements....by a qualified engineer" changed to "Monitoring ...by a qualified engineer"
285-286	Change	"prepared by a qualified engineer." changed to "prepared by a qualified...monitoring may occur."
287	Format change	.
288	Format change	.
289	Change	"Wireless communication facilities" changed to "a. Wireless communication facilities"
290	Change	"Wireless communication...operating shall be" changed to "Wireless communication...operating shall be"
291	Change	"longer operating shall be...from a property, at the" changed to "longer operating shall be removed at the"
292	Change	"at the applicant, the operator or" changed to "at the expense of the applicant, the operator or"
293	Change	"applicant, the operator or property owner" changed to "applicant, the operator or the property owner"
294	Change	"property owner's expense,...than ninety (90) days" changed to "property owner no later than ninety (90) days"
295	Change	"days after the discontinuation of its use" changed to "days after the discontinuation of use"
296	Format change	.
297-298	Change	"Abandonment for" changed to "Disuse for"

299-300	Change	"for a period in excess of ninety (90) days shall" changed to "for more than ninety (90) days shall"
301	Change	"ninety (90) days shall...a voluntary termination" changed to "ninety (90) days shall...a voluntary termination"
302	Change	"constitute a voluntary...permit by the applicant" changed to "constitute a voluntary...by the applicant"
303-304	Change	"by the applicant. A written" changed to "by the applicant of any...to this code."
305	Change	"notice of" changed to "b. Written notice of"
306-307	Change	"notice of the determination of abandonment shall" changed to "notice of a determination of abandonment shall"
308	Change	"determination of...sent or delivered to the" changed to "determination of abandonment shall be sent to the"
309	Change	"to the operator of the wireless communication" changed to "to the owner and operator...wireless communication"
310-311	Change	"wireless communication...shall have ninety (90)" changed to "wireless communication...shall have ninety (90)"
312-313	Change	"(90) days to remove the...not been discontinued." changed to "(90) days to remove the facility."
314	Change	"All facilities not removed within" changed to "c. All facilities not removed within"
315	Format change	-
316-317	Change	"period shall be in...the applicant, operator," changed to "period shall be in...the applicant, operator,"
318	Format change	.
319-320	Change	"In the event that the city is required to remove" changed to "If the city is required to remove"
321-322	Change	"the city is required to remove the facility" changed to "the city is required to remove a disused facility"
323	Format change	,
324	Change	"the city shall be...operator, and property" changed to "the applicant, operator, and"

		property"
325-326	Change	"be jointly and severally...all costs and expenses" changed to "be jointly and severally...all costs and expenses"
327-328	Change	"all costs and expenses...of the facilities" changed to "all costs and expenses...of the facilities"
329	Insertion	to the removal of the...legal fees and costs
330	Format change	.
331-332	Change	"Operators of a facility shall notify the" changed to "d. The operator of a facility shall notify the"
333	Format change	,
334	Format change	,
335-336	Change	"of their intent to abandon a permitted site." changed to "of its intent to abandon a permitted site."
337	Change	"health and safety...site shall be restored" changed to "health and safety...site shall be restored"
338	Change	"to its original condition...operator or property" changed to "to its original condition...operator or property"
339-340	Change	"applicant, operator or property owner's expense." changed to "applicant, operator or property owner."
341	Format change	.
342-343	Change	"Violations. The city ...use permit for" changed to "Violations. The city ...facility permit for"
344	Format change	.
345	Format change	.
346	Format change	0
347	Change	"of this development code" changed to "of this code"
348	Format change	.
349	Format change	.
350	Insertion	9. Findings. No...17.62.060 of this code:
351	Insertion	a. The applicant has...served by the facility.
352	Insertion	b. The applicant has ...3(e) of this section.

353	Insertion	10. Removal of Unsafe...Government Code section
354-355	Moved to	65964(b), any wireless...safety or welfare
356	Insertion	, the applicant or...to remove the facility.
357	Insertion	11. Each application...against that fee.
358	Format change	D.
359	Change	"Communication Facilities...Within the Public" changed to "Communication Facilities Located Within Public"
360-361	Change	"Public Right" changed to "Public Rights"
362	Format change	-
363	Format change	.
364	Format change	All
365	Change	"communication facilities...within the public" changed to "communication facilities located within public"
366-367	Change	"public right" changed to "public rights"
368	Format change	-
369	Format change	.
370-371	Change	"Applicability: In...state and federal law." changed to "Construction."
372	Moved to	These standards are...on the city's authority.
373	Insertion	The purpose of this...utility infrastructure.
374	Insertion	2. Applicability: This...service are activated.
375-376	Change	"2. Permit Requirements: A request" changed to "3. Permit Requirements: A request"
377	Change	"wireless ...facility located within" changed to "wireless telecommunication facility within"
378-379	Change	"within the public right" changed to "within a public right"
380	Format change	-
381	Format change	-
382-383	Change	"require all of the...clearance from the" changed to "require all of the...facility permit from the"
384-385	Change	"from the department, (ii)...encroachment permit from" changed to "from the commission, (ii)...encroachment permit from"
386	Change	"required by applicable provisions of the"

		changed to "required by applicable...be first reviewed by the"
387	Deletion	the city
388	Moved from	code including a building...be first reviewed by
389	Change	"the development review committee" changed to "development review committee"
390	Format change	.
391-392	Change	"All zoning clearance...will be scheduled for" changed to "All wireless facility...will be scheduled for"
393	Change	"will be scheduled for a public hearing" changed to "will be scheduled for public hearing"
394-395	Change	"public hearing with the" changed to "public hearing before the"
396-397	Change	"the director in accordance with" changed to "the commission in accordance with"
398-399	Change	"in accordance with Section 17" changed to "in accordance with chapter 17"
400	Format change	.
401-402	Change	"78 of this development...this development code." changed to "78 of this code. The...s service coverage."
403-404	Change	"3." changed to "4."
405	Format change	.
406-407	Change	"To permit the city to...communication facilities" changed to "To permit the city to...communication facilities"
408	Change	"wireless communication...substantial evidence in" changed to "wireless communication...substantial evidence in"
409	Format change	,
410-411	Change	"the city for a zoning...use permit application:" changed to "the city for a zoning clearance:"
412	Format change	.
413-414	Change	"demonstrating a good...with the location" changed to "demonstrating a good...with the location"
415	Change	"location requirements in subsection 3(" changed to "location requirements in subsection ("
416-417	Change	"(d) of this section; and" changed to "(D)(6) of

		this section; and"
418	Format change	.
419	Format change	,
420	Insertion	the provisions of this section; and
421	Format change	.
422-423	Change	"facilities maintained by...operator within the city" changed to "facilities maintained by...to serve the city"
424	Format change	.
425	Change	"all potential locations...for construction within" changed to "all potential locations...for construction within"
426-427	Change	"anticipated for...of the application." changed to "anticipated for...of the application."
428-429	Change	"of the application....that are not consistent" changed to "of the application....that are not consistent"
430-431	Change	"the master plan for a...year from approval of a" changed to "the master plan for a...years from approval of a"
432-433	Change	"from approval of a...can demonstrate" changed to "from approval of a zoning...can demonstrate"
434-435	Change	"unless the applicant can...that conditions" changed to "unless the applicant can...changed conditions"
436	Change	"conditions have changed...not have been reasonably" changed to "conditions which could not have been reasonably"
437	Change	"have been reasonably...the need for a wireless" changed to "have been reasonably...the need for a wireless"
438-439	Change	"need for a wireless...shown on a master plan" changed to "need for a wireless...shown on a master plan"
440-441	Change	"submitted to the city within the prior year." changed to "submitted to the city...means to do so; and"
442	Insertion	d. A siting...need be provided; and
443	Insertion	e. An FCC...following information:
444	Insertion	1. the projected RF...intended installation;
445	Insertion	2. an affirmation, under...deemed safe by

		the FCC;
446	Insertion	3. whether its RF...47 CFR § 1.1307 et seq.;
447	Moved from	4. Guidelines. All...located within
448-449	Change	"the public right-of-way...be designed as follows:" changed to "the proposed minimum...the proposed antenna(s);"
450	Insertion	5. whether or not the...operating at full power.
451	Insertion	If the applicant seeks to...shall also describe:
452-453	Insertion	6. how public access to...will be restricted;
454-455	Insertion	7. the required warning...B (latest edition).
456	Insertion	f. A statement signed by...in the application.
457	Insertion	g. A noise...and back-up generators.
458	Insertion	h. Such other information...Code section 65940.
459	Insertion	5.
460	Moved to	Guidelines. All wireless...located within
461	Insertion	a public right-of-way...be designed as follows:
462	Change	"in with the surrounding...and approved by the" changed to "in with the surrounding area as approved by the"
463-464	Change	"approved by the director." changed to "approved by the commission."
465	Format change	.
466	Format change	-
467	Format change	,
468	Format change	,
469	Format change	,
470	Format change	,
471	Change	"as recommended and approved by the" changed to "as approved by the"
472-473	Change	"approved by the director." changed to "approved by the commission."
474	Format change	.
475-476	Change	"designated scenic...all equipment, excluding" changed to "designated scenic...all equipment, excluding"
477	Change	"required electrical meter...be located

		underground" changed to "required electrical meter...located underground"
478	Change	"located underground, or pole" changed to "located underground or pole"
479	Format change	-
480	Format change	.
481	Change	"meter cabinets shall be...and approved by the" changed to "meter cabinets shall be...as approved by the"
482-483	Change	"approved by the director." changed to "approved by the commission."
484	Format change	.
485	Format change	-
486	Format change	.
487-488	Change	"Antennas must be installed" changed to "Antennas shall be...methods described below."
489	Insertion	i. If an antenna cannot...with subsection (3):
490	Change	"on" changed to "(1) A stealth facility mounted on"
491	Change	"on existing" changed to "on an existing"
492	Deletion	existing utility or light...poles. An exception to
493	Moved from	this requirement shall be
494-495	Change	"where" changed to ", co-located tower;"
496	Insertion	(2) A stealth facility...a light standard; or
497	Change	"an operator shows that it cannot" changed to "(3) A stealth facility...shows that it cannot"
498-499	Change	"close a significant gap...or combination of sites" changed to "close a significant gap...means of doing so."
500	Change	". All installations shall be" changed to "ii. All installations shall be"
501	Change	". All installations shall...to withstand high wind" changed to ". All installations shall...to withstand high wind"
502	Change	"antenna installation on a pole with an existing" changed to "antenna installation on a pole with existing"
503-504	Change	"existing antenna." changed to "existing antennae."
505-506	Change	"i. Utility poles: The...height of any antenna" changed to "iii. The maximum height

		of any antenna"
507-508	Change	"(24) inches above the...existing utility pole" changed to "(24) inches above the...of a streetlight pole"
509	Format change	,
510	Format change	.
511-512	Change	"Utilities Commission General Order 95." changed to "Utilities Commission...hereafter be amended."
513	Insertion	iv. A freestanding...designed for occupancy.
514	Deletion	ii. Light poles: The...drivable road surface.
515	Change	"facilities not located...scenic corridor" changed to "facilities not located within a scenic corridor"
516-517	Change	"scenic corridor should...equipment underground" changed to "scenic corridor or...equipment underground"
518	Format change	,
519	Format change	.
520	Format change	,
521	Format change	-
522-523	Change	"mounted equipment may be...height of five feet and" changed to "mounted equipment may be...height of five feet and"
524-525	Change	"a height of five feet and...of fifteen (15) square" changed to "a height of five feet and...of fifteen (15) square"
526	Format change	.
527	Change	"located so as not to cause (i)" changed to "located so as not to cause : (i)"
528	Format change	,
529	Change	"(ii) an inconvenience to the public's use" changed to "(ii) inconvenience to the public's use"
530-531	Change	"inconvenience to the...of the public right-of" changed to "inconvenience to the...use of a public right-of"
532	Format change	-
533	Format change	,
534	Change	"pedestrians and motorists. In no case," changed to "pedestrians and motorists. In no case"

535	Format change	-
536	Change	"equipment, walls, or landscaping," changed to "equipment, walls, or landscaping"
537	Format change	.
538	Format change	00
539-540	Change	"wireless facility on the same side of the street." changed to "wireless facility on the same side of a street."
541	Format change	.
542-543	Change	"All facilities shall be...Disabilities Act (ADA)." changed to "No facility shall be...with Disabilities Act."
544	Insertion	j. Facilities...means of doing so.
545	Insertion	6. Preferred Zones and...facilities:
546	Insertion	a. co-location...a non-residential zone;
547	Insertion	b. location on...a non-residential zone;
548	Insertion	c. location on...a non-residential zone;
549	Insertion	d. co-location...in a residential zone;
550	Insertion	e. location on...in a residential zone;
551	Insertion	f. location on...in a residential zone.
552	Insertion	No new facility may be...aesthetic impacts.
553-554	Change	"5. Findings" changed to "7. Findings"
555	Format change	.
556-557	Change	"wireless communication...way may be approved" changed to "wireless communication...way may be approved"
558	Format change	.
559	Change	"The facility is necessary" changed to "The applicant has...facility is necessary"
560	Change	"facility is necessary in...a significant gap in" changed to "facility is necessary to...a significant gap in"
561-562	Change	"to close a significant...to the general public." changed to "to close a significant...within structures."
563	Format change	.
564-565	Change	"The location of the...needed by the operator." changed to "The applicant has ...5 of this subsection."
566	Format change	.
567	Change	"facility has been...surrounding environment,"

		changed to "facility has been...surrounding environment,"
568-569	Change	"environment, with minimal...to the public right-of" changed to "environment, with minimal...on the public right-of"
570	Format change	-
571	Format change	.
572	Format change	.
573-574	Change	"will not have an adverse impact to the" changed to "will not have an adverse impact on the"
575	Change	"the normal use of the public right-of-way" changed to "the use of the public right-of-way"
576	Format change	,
577	Format change	,
578	Change	"the movement and visibility of vehicles" changed to "the safe movement and visibility of vehicles"
579	Format change	.
580	Insertion	e. The facility satisfies...(6) of this subsection.
581-582	Change	"6." changed to "8."
583	Insertion	with the guidelines outlined in paragraph
584	Change	"subsection" changed to "4 of this subsection"
585	Deletion	subsection (D)(4), of this section
586	Format change	,
587	Change	"all facilities shall be subject to the following" changed to "all facilities approved...subject to the following"
588	Format change	.
589	Format change	,
590	Format change	,
591	Format change	,
592	Change	"or as authorized by the city" changed to "or as expressly authorized by the city"
593	Format change	.
594	Deletion	b. For any wireless...verifying that testing.
595	Deletion	c. Wireless communication...the public right-of-way.
596	Deletion	d. Each wireless...site into compliance.

597	Deletion	e. The applicant and...in such action.
598	Insertion	b.
599	Insertion	Validation of Proper...be provided to the City.
600	Insertion	c.
601	Insertion	Abandonment.
602	Insertion	1)
603	Insertion	Wireless communication...shall be removed
604	Insertion	at the expense of the...days or more shall also
605	Insertion	constitute a voluntary...any land use entitlement
606	Insertion	under this code or any predecessor to this code.
607	Insertion	2)
608	Insertion	The director shall send a...to remove the facility.
609	Insertion	3)
610	Insertion	The operator of a...operator, or owner.
611	Insertion	4)
612	Insertion	All facilities not...upon the failure of
613	Insertion	the applicant, operator,...legal fees and costs.
614	Insertion	d.
615	Insertion	The applicant and...applicant or operator.
616	Insertion	e.
617	Insertion	If, at any time after ten...or the public's use of
618	Insertion	the public right-of-way,...notice from the City and
619	Moved to	at its own expense, remove
620	Insertion	any such facilities....to remove the facility.
621	Deletion	f. If, at any time after...Government Code Section
622	Moved from	65964(b), any wireless communication facility
623	Deletion	or any portion thereof...the public right-of-way
624	Moved from	becomes incompatible with...safety or welfare
625	Deletion	or the public's use of...of the facility will,
626	Moved from	at its own expense, remove
627	Deletion	and such facilities in...approved by the city.
628	Deletion	g. Wireless communication...and safety facilities.
629-630	Change	"h" changed to "f"

631	Format change	.
632-633	Change	"wireless communication...shall be subject" changed to "wireless communication...shall be subject"
634	Format change	,
635-636	Change	"necessary by the public...for the purpose of (i)" changed to "necessary by the public works director to: (i)"
637-638	Change	"(i) protecting the public health, safety" changed to "(i) protect the public health, safety"
639	Format change	,
640-641	Change	"and welfare; (ii)...with pedestrian and" changed to "and welfare; (ii) prevent...with pedestrian and"
642-643	Change	"and vehicular traffic; or...preventing damage to" changed to "and vehicular traffic; or (iii) prevent damage to"
644-645	Change	"damage to the public right-of-way or any property" changed to "damage to a public right-of-way or any property"
646-647	Change	"or any property adjacent...director of public works" changed to "or any property adjacent...director of public works"
648-649	Change	"the director of public...additional conditions" changed to "the director of public works imposes conditions"
650	Format change	,
651	Format change	,
652	Change	"or limitations, he or she...notify the applicant" changed to "or limitations pursuant...notify the applicant"
653	Format change	,
654	Format change	,
655	Change	"either by mail to the address set forth" changed to "by mail to the address set forth"
656	Change	"set forth in the application or other address" changed to "set forth in the...or such other address"
657	Change	"on file with the city" changed to "as may be on file with the city"
658	Format change	.

659	Format change	,
660-661	Change	"i" changed to "g"
662	Format change	.
663-664	Change	"An applicant shall not...the permit to any person" changed to "An applicant shall not...a permit to any person"
665	Change	"permit to any person...of construction" changed to "permit to any person or...of construction"
666	Insertion	wireless communication facility.
667-668	Change	"j" changed to "h"
669	Format change	.
670	Format change	,
671	Format change	,
672	Change	"existing facility without...owner of that facility." changed to "existing facility without...owner of that facility."
673	Format change	,
674	Change	"wireless communication...(i) the city determines" changed to "wireless communication...(i) the city determines"
675	Format change	,
676	Change	"in sole and absolute discretion" changed to "in its sole and absolute discretion"
677	Format change	,
678	Change	"not adversely affect the...residents or businesses" changed to "not adversely affect the...residents or businesses"
679	Format change	,
680-681	Change	"city's facilities. Every...communication facility" changed to "city's facilities. Every...communication facility"
682-683	Change	"damage or injury caused to any facilities or" changed to "damage or injury caused to any property or"
684-685	Change	"or persons by his" changed to "or person by his"
686	Format change	,
687-688	Change	"her, or its facility....of any work pursuant" changed to "her, or its facility....of any work pursuant"
689-690	Change	"wireless communication...within the public"

		right" changed to "wireless communication...within a public right"
691	Format change	-
692	Format change	-
693	Format change	,
694-695	Change	"the applicant" changed to "an applicant"
696-697	Change	"to the city's...has the legal right to" changed to "to the city's...has the legal right to"
698	Format change	.
699-700	Change	"k" changed to "i"
701	Format change	.
702-703	Change	"company offer electrical...the use of a meter" changed to "company offer electrical...the use of a meter"
704	Change	"operator of the facility agrees at its sole cost" changed to "operator of the facility agrees at its cost"
705	Change	"cost and expense to remove the meter cabinet and" changed to "cost to remove the meter cabinet and"
706	Change	"and any foundation...to its prior condition." changed to "and any foundation...to its prior condition."
707	Insertion	j. On each January 15th...against that fee.
708	Insertion	k. The wireless...may obtain extensions.
709	Insertion	9. Monitoring ...17.80.070 of this title.
710	Insertion	10. Violations. The ...respect to a violation.
711	Deletion	7. Construction:
712	Moved from	These standards are...on the city's authority.
713	Insertion	11. Noise. No wireless...louder than fifty (50)
714	Insertion	decibels (dBA) as...of nearby structures,
715	Format change	.
716	Format change	,
717	Format change	,
718	Format change	,
719	Format change	.
720-721	Change	"Satellite antennas with a...one meter in residential" changed to "Satellite antennas

		with...one meter in residential"
722-723	Change	"larger than one meter in...areas and two meters in" changed to "larger than one meter in...zones and two meters in"
724-725	Change	"and two meters in...with the following" changed to "and two meters in...with the following"
726	Change	"with the following...these provisions" changed to "with the following...these provisions"
727-728	Change	"provided these provisions are not" changed to "provided these provisions do not"
729	Change	"not in conflict with applicable state and" changed to "not conflict with applicable state and"
730	Format change	.
731	Format change	.
732	Format change	.
733-734	Change	"required for satellite...or less; administrative" changed to "required for satellite...or less; administrative"
735-736	Change	"antennas larger than one...be required for antennas" changed to "antennas larger than one...be required for antennas"
737-738	Change	"shall be required for...greater than one meter" changed to "shall be required for...larger than one meter"
739	Change	"than one meter that are...a designated scenic" changed to "than one meter located within a designated scenic"
740	Format change	.
741	Format change	.
742-743	Change	"antennas shall be...permit, and shall" changed to "antennas shall be...permit, and shall"
744	Format change	,
745	Format change	,
746	Format change	,
747	Format change	.
748	Format change	.
749	Format change	.
750	Change	"located within any required front or street" changed to "located within any required front-

		or street"
751	Change	"or street side" changed to "or street -side"
752	Change	"side yard setbacks in any" changed to "side-yard setbacks in any"
753-754	Change	"yard setbacks in any zoning district" changed to "yard setbacks in any zone"
755	Format change	.
756	Format change	,
757	Change	"satellite antenna shall extend beyond property" changed to "satellite antenna shall extend beyond a property"
758-759	Change	"property lines" changed to "property line"
760	Format change	.
761	Format change	.
762	Format change	.
763	Format change	,
764	Format change	-
765-766	Change	"glossy color, such as" changed to "glossy color; such as"
767-768	Change	"such as, earth" changed to "such as an earth"
769-770	Change	"earth-tones" changed to "earth tone"
771	Format change	,
772	Format change	,
773-774	Change	"or black, and" changed to "or black; and"
775	Format change	,
776	Format change	,
777	Format change	.
778	Format change	.
779	Change	"All electrical and...be placed underground" changed to "All wiring shall be placed underground"
780	Format change	.
781-782	Change	"Residential Districts" changed to "Residential Zones"
783	Format change	.
784-785	Change	"In any residential zoning...shall be subject" changed to "In any residential zone,...shall be subject"
786	Format change	.
787	Format change	-

788	Format change	.
789	Change	"Ground mounted antennas shall" changed to "Ground -mounted antennas shall"
790	Change	"mounted antennas shall as...in the rear yard of" changed to "mounted antennas shall be...in the rear yard of"
791	Change	"in the rear yard of any property;" changed to "in the rear yard of any...technically possible;"
792	Format change	.
793-794	Change	"The height of the...shall not exceed fifteen" changed to "Satellite antennas shall not exceed fifteen"
795	Change	"shall not exceed fifteen (15) feet;" changed to "shall not exceed fifteen (15) feet in height;"
796	Format change	.
797	Change	"Only satellite" changed to "Only one satellite"
798	Change	"satellite one antenna may be permitted on any" changed to "satellite antenna may be permitted on any"
799	Change	"may be permitted on any...family residential site." changed to "may be permitted on any...residential site."
800	Deletion	family residential site. At
801	Moved from	multiple family residential
802	Deletion	sites, only
803	Change	"one antenna shall be permitted" changed to "Only one antenna shall be permitted"
804	Insertion	shall be permitted per dwelling unit on any
805	Moved to	multiple family residential
806	Change	"," changed to "site;"
807	Format change	.
808-809	Change	"The satellite antenna shall be separated" changed to "A satellite antenna shall be separated"
810	Change	"properties by at least a...wall or fence or by" changed to "properties by at least a...wall or fence or by"
811	Change	"high solid wall or fence or by plants" changed to "high solid wall or fence...by trees or other plants"
812	Change	"plants or trees of equal minimum height;" changed to "plants of equal minimum height;"

813	Format change	.
814	Change	"satellite antenna that is...than adjacent property" changed to "satellite antenna that is...an adjacent property"
815	Change	"adjacent property line" changed to "adjacent property -line"
816-817	Change	"line fences shall be located away from the" changed to "line fence shall be located away from the"
818	Change	"the side or rear property...equal to or greater than" changed to "the side or rear property...equal to or greater than"
819-820	Change	"f. The diameter of the...antenna shall not exceed" changed to "f. The diameter of a...antenna shall not exceed"
821	Format change	.
822	Change	"director if the applicant...a technically sufficient" changed to "director if the applicant provides a sufficient"
823	Change	"sufficient study prepared by a qualified engineer" changed to "sufficient technical...by a qualified engineer"
824	Format change	.
825-826	Change	"The satellite antenna shall be used" changed to "A satellite antenna shall be used"
827	Format change	,
828	Change	"noncommercial, purposes only" changed to "noncommercial purposes only"
829	Format change	.
830	Format change	.
831-832	Change	"Nonresidential Districts" changed to "Nonresidential Zones"
833	Format change	.
834-835	Change	"In any nonresidential zoning district" changed to "In any nonresidential zone"
836	Format change	,
837	Change	"satellite antennas may be roof or ground" changed to "satellite antennas may be roof- or ground"
838	Format change	-
839-840	Change	"mounted. These antennas...subject to the following" changed to "mounted and shall be

		subject to the following"
841	Change	"shall be subject to the following:" changed to "shall be subject to the following standards:"
842	Format change	.
843	Format change	-
844	Format change	,
845	Change	"the satellite antennas shall be screened" changed to "satellite antennas shall be screened"
846	Change	"ground view by a parapet...city-approved screening" changed to "ground view by a parapet or other screening"
847	Insertion	screening approved by the city
848	Format change	.
849-850	Change	"The minimum height and...of the parapet, wall" changed to "The minimum height and design of a parapet, wall"
851	Format change	,
852	Change	"or screening shall be subject to the" changed to "or other screening shall be subject to the"
853	Format change	.
854	Format change	-
855	Format change	,
856	Change	"the satellite antennas shall not be" changed to "satellite antennas shall not be"
857	Format change	.
858	Change	"The location and height...antennas shall comply" changed to "The location and height...antennas shall comply"
859-860	Change	"requirements of the...zoning district; and" changed to "requirements of the underlying zone; and"
861	Format change	.
862-863	Change	"subject site abuts a residential zoning district" changed to "subject site abuts a residential zone"
864	Format change	,
865	Change	"the height of the...screened from view" changed to "the height of the...screened from view"
866	Format change	.

867	Format change	.
868	Format change	,
869-870	Change	"constructed and...in the following manner:" changed to "constructed and maintained as follows:"
871	Format change	.
872	Format change	.
873-874	Change	"Any boom or other active...shall not exceed" changed to "Any boom or other active...shall not exceed"
875	Format change	.
876-877	Change	"The antennas may be roof" changed to "Antennas may be roof"
878	Change	"may be roof or ground" changed to "may be roof- or ground"
879	Change	"or ground mounted; and" changed to "or ground -mounted; and"
880	Format change	.
881-882	Change	"May not be located in any front" changed to "Antennas may not be located in any front"
883	Change	"not be located in any front or side" changed to "not be located in any front- or side"
884	Change	"or side yard setbacks;" changed to "or side - yard setbacks;"
885	Format change	.
886-887	Change	"These standards in this...to modification or" changed to "These standards in this...to modification or"
888	Format change	-
889	Format change	-
890	Format change	.
891	Change	"3 regulations, and where...modification or waiver" changed to "3 and where such modification or waiver"
892	Change	"modification or waiver is...technically sufficient" changed to "modification or waiver is based on sufficient"
893	Change	"sufficient information provided in writing" changed to "sufficient technical...provided in writing"
894-895	Change	"writing by the applicant...direction of the city" changed to "writing by the applicant...the

		request of the city"
896	Format change	.
897-898	Change	"the city after...of the antenna impairs" changed to "the city after installation of an antenna impairs"
899	Change	"antenna impairs to any degree antenna reception" changed to "antenna impairs antenna reception"
900	Format change	,
901	Format change	,
902	Format change	,
903	Insertion	or function to any degree
904	Format change	.
905	Format change	Communications and...for Specified Purposes.
906	Format change	.
907	Format change	.0
908	Format change	0
909	Format change	,
910	Format change	,
911	Format change	,
912	Format change	,
913-914	Change	"commission" changed to "commission"
915-916	Change	"commission" means the...and Technology" changed to "commission" means the...and Technology"
917	Format change	.
918	Format change	00
919	Format change	,
920-921	Change	"Technology Commission shall be the "commission" changed to "Technology Commission shall be the "commission"
922-923	Change	"commission" for purposes of approvals" changed to "commission" for purposes of approvals"
924	Format change	.
925-926	Change	"28 of this code shall be the "commission" changed to "28 of this code shall be the "commission"
927-928	Change	"commission" for all other entitlements sought" changed to "commission" for all other entitlements sought"

929	Format change	,
930-931	Change	"Technology Commission shall be the "commission" changed to "Technology Commission shall be the "commission"
932-933	Change	"commission" for purposes of review of proposed" changed to "commission" for purposes of review of proposed"
934	Deletion	proposed amendments to this section 17.12.050.
935	Insertion	17.12.050.
936	Insertion	I. Private enforcement. ...be remedied as follows:
937	Insertion	1. The city attorney or...in equity or at law.
938	Insertion	2. Any person acting...requirements are met:
939	Insertion	a. The action is...to the alleged violator.
940	Insertion	b. No person acting ...private action is filed.
941	Insertion	3. A private enforcer...seven days of filing it.
942	Insertion	4. Upon settlement of...in violation of
943	Moved to	this requirement shall be
944	Insertion	set aside upon motion of...competent jurisdiction.
945	Insertion	5. Upon proof of a...award the following:
946	Insertion	a. Damages in the amount of either:
947	Insertion	i. Upon proof, actual damages;
948	Insertion	ii. With insufficient or...earlier adjudication.
949	Insertion	b. Restitution to the...of this section.
950	Insertion	c. Exemplary damages,...health and safety.
951	Insertion	d. Attorney's fees and...or defending an action.
952	Insertion	Any damages awarded in an...a damaged third party.
953	Insertion	6. Upon proof of at...specified by the court.
954	Insertion	7. Notwithstanding any...upon the same facts.
955	Insertion	8. Nothing in this...of that court.
956	Insertion	J. Additional Notice to...the matter as follows:
957	Insertion	1. Written notice shall...of the proposed site;
958	Insertion	2. Telephone notice via...of the proposed site.

959	Insertion	A public hearing may be...hereafter be amended.
960	Insertion	Failure of the city to...law has been provided.
961	Insertion	K. Definitions. In...following definitions:
962	Insertion	“Accessory equipment”...communication facility.
963	Insertion	“Antenna structure” means...a structure or antenna.
964	Insertion	“Applicable law” means...from time to time.
965	Insertion	“Applicant” includes any...17.90.020 of this code.
966	Insertion	“City” means the City of...1.08.020 of this code.
967	Insertion	“Commission” has the...H. of this section.
968	Insertion	dBA is defined in chapter 17.90 of this title.
969	Insertion	“FCC” means the Federal...to that agency.
970	Insertion	“In-kind call testing”...vehicles or in the open.
971	Insertion	“Least intrusive means”...communication facility.
972	Insertion	“MPE” means maximum permissible exposure.
973	Insertion	“OET” or “FCC OET” means...& Technology.
974	Insertion	“Open space” includes (1)...or similar entity.
975	Insertion	“Park” and “playground”...dictionary meanings.
976	Insertion	“Personal communication...issued by the FCC.
977	Insertion	“Private Enforcer” has...this section 17.12.050.
978	Insertion	“Residential zone” means...17.13 of this title.
979	Insertion	“RF” means radio frequency.
980	Insertion	“Significant gap” as...such a significant gap:

981-982	Insertion	1. A significant gap may...by in-kind call testing.
983-984	Insertion	2. The commission shall...gap is claimed.
985-986	Insertion	3. A significant gap may be measured by:
987-988	Insertion	a. The number of people...asserted gap in service
989-990	Insertion	b. Whether a wireless...void in coverage ;
991-992	Insertion	c. Whether the asserted...amounts of traffic.
993	Insertion	“Stealth facility” means...accessory equipment.
994	Insertion	“Wireless communication...and paging service.
995	Insertion	“Wireless facility...conditional use permit.

Statistics:	
	Count
Insertions	445
Deletions	288
Moved from	11
Moved to	11
Style change	0
Format changed	240
Total changes	995

