



OFFICE OF THE CITY MANAGER

Robert F. Clark, City Manager

P.O. Box 1570, Ojai, CA 93024

MEMORANDUM

To: Planning Commission
From: Robert F. Clark, City Manager
Subject: TA 14-1, Wireless Telecommunications Facilities
Date: February 9, 2015

A handwritten signature in blue ink, appearing to read "R Clark", is written over the "From:" line of the memorandum.

Attached hereto are the revised Wireless Telecommunications Facilities Ordinance documents. The first (Attachment A) is the redline that contains all four sets of comments and responses from the Interim Assistant Attorney, which incorporate input from Special Counsels, Jonathan Kramer and Tripp May. The second (Attachment B) is a clean version of the proposed Ordinance, with the revisions accepted and rejected as recommended in the detailed redline.

Height, Noise and Lighting

At the January 20, 2015 workshop and at the February 4, 2015 Planning Commission meeting, some concerns were expressed about height, noise and lighting. The legal team has recommended that wireless telecommunications facilities should be subject to the general standards that apply to all facilities. Therefore, these issues are not addressed in the proposed wireless telecommunications ordinance.

In order to establish a height limit for certain zones that current do not have height limits, and to review the height provisions in all zones, we must prepare an Initial Study and proposed Negative Declaration and send it to the State Clearinghouse for a 30-day review. Staff has initiated that process and has tentatively set a Planning Commission hearing on March 18, 2015. If that schedule holds, the Council could hold a hearing at the April 14, 2015 meeting and have a second reading on April 28, 2015. If approved, the new height limits will then take effect on May 28, 2015. The ordinance can be written so that projects in process, for which no building permit has been issued, will be subject to the new limit.

A copy of the Noise Ordinance was provided with the original Planning Commission packet dated February 4, 2015. Comments on whether that ordinance should be changed are welcomed. The City recently adopted a strict "dark sky" ordinance which applies to any new construction including wireless telecommunications facilities. That Ordinance establishes regulations and a review process for exterior lighting in order to minimize light pollution. Telecommunication facilities are subject to this Ordinance.

Location Guidelines

Section 10-14.050 (b)(1) establishes location guidelines. When an application for a proposed new wireless facility is reviewed by the Planning Commission, one of the key issues will be whether or not the proposed site constitutes the least intrusive means to address a significant gap which is both technically feasible and potentially available. Applicants will be required to provide an alternate site analysis that shows at least five such sites. The location guidelines are intended to reflect our local judgment in Ojai as to what types of site are preferred and what types of sites are not considered favorable. This section should be reviewed very carefully to make sure the commission agrees that it accurately reflects our local priorities. A zoning map (Attachment C) is provided to help with this review.

Attachments:

- A. Redlined Proposed Wireless Telecommunications Facilities Ordinance
- B. Proposed Wireless Telecommunications Facilities Ordinance
- C. Zoning Map

Cc: Community Development Director
Legal Team