



CITY of CALABASAS

Exhibit D

Community Development Department
Planning Division
100 Civic Center Way
Calabasas, CA 91302-3172
T: 818.224.1600
F: 818.225.7324

www.cityofcalabasas.com

August 27, 2020

J5 Infrastructure Partners
Attn: Cameron Dancho
2030 Main Street
Irvine, CA 92614

Subject: Notice of Decision for Small Wireless Facility Permit SWFP-2020-003

Dear Mr. Dancho,

The Community Development Director reviewed the staff report and other documents and materials in the project file, and, based upon the findings presented in the staff report, **APPROVED** your application for the following:

FILE NO.: SWFP-2020-003. A request for a Small Wireless Facilities Permit to modify an existing Verizon wireless facility. The applicant is proposing to remove and replace existing antennas, and to install new pole mounted equipment. The project site is located at 23625 Mulholland Hwy, within the Public right-of-Way.

Your application, described above, is subject to all conditions of approval listed in the attached Exhibit A. Any decision of the Community Development Department may be appealed to the Planning Commission. Appeals must be submitted in writing to the City Clerk (per Chapter 17.74 of the Calabasas Municipal Code) within ten (10) days of the Community Development Director action.

Should you have any questions concerning this application, please contact me at (818) 224-1705.

Sincerely,

Jaclyn Rackerby
Assistant Planner



CITY of CALABASAS

COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: SWFP-2020-003

PROPOSAL: A request for a Small Wireless Facilities Permit to modify an existing Verizon wireless facility. The applicant is proposing to remove and replace existing antennas, and to install new pole mounted equipment. The project site is located at 23625 Mulholland Hwy, within the Public right-of-Way.

APPLICANT: J5 Infrastructure Partners

BACKGROUND:

On April 29, 2020 J5 Infrastructure Partners filed an application, on behalf of Verizon, to upgrade an existing wireless telecommunication facility located at 23625 Mulholland Highway within the Public Right-of-Way. The application was reviewed by staff and deemed complete on August 12, 2020.

The existing Verizon facility was approved in 2007, (approved Zoning Clearance No. 006-689 and Oak Tree Permit No. 007-011) and updated in 2013 (Scenic Corridor Permit and Wireless Telecommunication Facility Permit, File No. 130000948), with approval to replace existing antennas and pole mounted equipment to provide LTE coverage.

The proposed project includes the removal and replacement of existing antennas, and the installation of new pole mounted equipment. The project was reviewed by staff to ensure compliance with Section 17.12.050(G) of the Calabasas Municipal Code.

STAFF ANALYSIS:

1. **Current Site Condition:** The subject site is located at 23625 Mulholland Hwy within the public right-of-way, approximately 1,600 feet northwest from the intersection of Mulholland Hwy and Old Topanga Canyon Rd. The existing facility was originally approved on July 26, 2007 and subsequently modified and approved on October 15, 2013. The current facility is made up of two panel antennas mounted to a cross arm located on an existing utility pole, associated pole mounted equipment, and a ground mounted meter cabinet.
2. **Proposed Project:** The applicant is requesting permission to upgrade an existing Wireless Telecommunications Facility that qualifies as a “small wireless facility” as defined by the FCC in 47 C.F.R. Section 1.6002. The proposal includes the replacement of existing antennas and installation of new pole mounted equipment.

3. Calabasas Municipal Code Requirements: Section 17.12.050 of the CMC regulates the construction, maintenance, and modification of wireless telecommunication facilities within the City of Calabasas. In accordance with Section 17.12.050(B)(4) of the CMC, the ordinance applies to existing facilities which have been previously approved but are now or hereafter modified. Section 17.12.050(G) of the CMC regulates the installation or modification of facilities that qualify as a "small wireless facility" as defined by the FCC in 47 C. F. R. Section 1.6002. As a result, the applicant has filed for Small Wireless Facilities Permit to perform the requested modifications.

FINDINGS:

Section 17.12.050(G)(6)(b) stipulates that the Director may approve an application for a small wireless facility permit, only if each of the following findings can be made:

1. *The proposed project meets the definition for a "small wireless facility" as defined by the FCC;*

The project site is an existing small wireless facility, mounted to an existing metal utility pole located in the public right-of-way. The existing pole is no taller than adjacent pole structures. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three cubic feet in volume. Per the equipment volume diagram on sheet T3 of the plans, each antenna is 2.72 cubic feet. All other wireless equipment associated with the structure is no more than 28 cubic feet in total volume. The facility does not require antenna structure registration under part 47 C.F.R. section 17.1 et seq., because the equipment is located mid-pole on an existing utility pole and as such will be shielded by permanent structures consisting of the existing line of utility poles. The facility is not located on Tribal lands. The facility is entirely within the jurisdiction of the City of Calabasas. The facility does not result in human exposure to radiofrequency radiation in excess of the applicable safety standards, as demonstrated by the submitted RF Compliance statement. The existing antenna facility is located on a utility pole structure that is used for the provision of personal wireless service, comingled with other types of service. Therefore, the proposed project meets this finding.

2. *The proposed project would be in the most preferred location as identified in [Section 17.12.050\(C\)\(3\)](#), within two hundred fifty (250) feet from the proposed site in any direction, or the applicant has demonstrated with clear and convincing evidence that any more preferred location(s) within two hundred fifty (250) feet would be technically infeasible;*

The proposed project is located at an existing wireless facility, which is currently in the 2nd most preferred location as identified in the referenced section above. The existing wireless facility location was deemed acceptable by the initial 2007 approval, and the

present project is a modification to this existing facility. As a result, the proposed project meets this finding.

3. *The proposed project complies with the standards for a small wireless facility as specified in [Section 17.12.050\(G\)\(6\)](#);*

All applicable standards within the above referenced section have been met, and the subject small wireless facility is in conformance with the findings outlined in the section referenced herewith. Therefore, the project meets this finding.

4. *For proposed projects located within the public right-of-way, the proposed project complies with subsection [17.12.050\(E\)](#), except that subsections [17.12.050\(E\)\(3\)\(e\)\(i\)\(c\)](#) and [17.12.050\(E\)\(3\)\(g\)](#), do not apply;*

The purpose of the above mentioned section is to regulate personal wireless telecommunications facilities proposed for sites within public rights-of-way consistently with rights conferred on telephone corporations, and to address aesthetic and safety concerns unique to such proposals. All applicable standards within this section are met, and as a result, this finding can be met.

5. *The proposed collocation is designed as a stealth facility, to the maximum feasible extent.*

All antennas, diplexers, conduits, and mounting equipment will be painted brown to match existing equipment and adjacent wood poles, and RRU shrouds will be ordered in brown in order to most closely match the existing pole. Therefore, the proposed project meets this finding.

ENVIRONMENTAL REVIEW:

The City's staff has determined that the project is exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) and Sections 15301 Class 1 (a), 15301 Class 1 (b), 15302 Class 2 (c), and Section 15332 Class 32, of the CEQA Guidelines.

CONDITIONS OF APPROVAL:

See the attached conditions in Exhibit A.

I have read and agree to the indemnification agreement and attached conditions of approval listed in Exhibit A.



Joel Crane, Verizon Wireless Representative

09/15/2020

Date

DECISION:

The Director or his/her designee has considered all of the evidence submitted into the administrative record including, but not limited to:

1. All applicable codes and regulations including the City of Calabasas Land Use and Development Code and the City's General Plan;
2. The project completion notice was mailed on August 12th to all property owners within 300 ft. One response was received asking for additional information pertaining to the project scope, but no concerns were voiced to staff;
3. Plans provided by the applicant, as well as any written information; and
4. All related documents, including any necessary environmental documents in order to comply with the California Environmental Quality Act (CEQA), received and/or submitted to the Department.

After considering all of the evidence submitted into the administrative record listed above, I hereby make the following decision:

Approved

Denied



Jaclyn Rackerby, Assistant Planner

8/27/2020

Date

ATTACHMENTS:

- Exhibit A: Conditions of Approval
Exhibit B: Project Plans



CITY of CALABASAS

**COMMUNITY DEVELOPMENT DIRECTOR
DECISION LETTER AND REPORT**

EXHIBIT A: CONDITIONS OF APPROVAL

FILE NO.: SWFP-2020-003

PROPOSAL: A request for a Small Wireless Facilities Permit to modify an existing Verizon wireless facility. The applicant is proposing to remove and replace existing antennas, and to install new pole mounted equipment. The project site is located at 23625 Mulholland Hwy, within the Public right-of-Way.

APPLICANT: J5 Infrastructure Partners

1. The City has determined that City, its employees, agents, and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. SWFP-2020-003 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No SWFP-2020-003 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, J5 Infrastructure Partners (applicant) and Verizon (carrier), and their successors shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. SWFP-2020-003 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. SWFP-2020-003 and the issuance of any permit or entitlement in connection therewith J5 Infrastructure Partners (applicant) and Verizon (carrier), and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
2. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.

3. The project approved herein is depicted on those sets of drawings, elevations, etc., stamped approved by staff on the approval date. Any modifications to these plans must be approved by the Community Development Director prior to the changes on the working drawings or in the field.
4. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance or other regulation applicable to any development or activity on the subject property. Failure of the applicant or its successors to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of the conditions of approval may result in the revocation of this approval.
5. This approval shall be valid for one year and eleven days from the date of this decision letter. The permit may be extended in accordance with Section 17.64.050 of the Land Use and Development Code.
6. Prior to commencement of construction, all necessary permits shall be obtained from the Building and Safety Division and Public Works Department.
7. The project is located within a designated "Very High Fire Hazard Severity Zone". All applicable requirements of Los Angeles County Building Code must be incorporated into all plans.
8. The applicant and contractors shall implement all reasonable efforts to reuse and recycle construction and demolition debris, to use environmentally friendly materials, and to provide energy efficient buildings, equipment, and systems. The applicant shall provide proof of recycling quantities to get final clearance of occupancy.
9. Per the Calabasas Municipal Code Chapter 8.16, "no person shall collect and/or dispose of municipal solid waste or recyclable materials in the city without having first been issued a solid waste collection permit. Such permit shall be in addition to any business license or permit otherwise required by the City of Calabasas." Please contact the Public Works Department for a list of permitted haulers. An Encroachment Permit is required prior to placing a refuse bin/container on the street.
10. Construction Activities - Hours of construction activity shall be limited to:
 - i. 7:00 a.m. to 6:00 p.m., Monday through Friday
 - ii. 8:00 a.m. to 5:00 p.m., Saturday

Stacking of construction worker vehicles, prior to 7:00 a.m. in the morning will be restricted to areas that do not adversely affect adjacent residences or schools.

The applicant or its successors shall notify the Public Works Director of the construction employee parking locations, prior to commencement of construction.

11. No additional equipment not included or specified in the stamped approved plans may be installed on the subject site under this permit.
12. No automatic renewal. The grant or approval of a small wireless facility permit shall not renew or extend the underlying permit term.
13. Compliance with previous approvals. The grant or approval of a small wireless facility permit shall be subject to the conditions of approval of the underlying permit.
14. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire small wireless facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
15. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless [the] city, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to the small wireless facility permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by [the] city, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the city reasonably determines necessary to protect the city from exposure to fees, costs or liability with respect to such claim or lawsuit.
16. The proposed project shall be built in compliance with the approved plans on file with the planning division.
17. The small wireless facility shall be developed, maintained, and operated in full compliance with the conditions of the small wireless facility permit, any other applicable permit, and any law, statute, ordinance or other regulation applicable to any development or activity on the site. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of this Code, the conditions of approval for the small wireless facility permit, or any other law, statute, ordinance or other regulation applicable to any development or activity on the site may result in the revocation of this permit. 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 (1) remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

18. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, Title 47, United States Code, section 1455, such that such statute would not mandate approval for the collocation or deployment granted or deemed granted under a small wireless facility permit, such permit shall automatically expire twelve (12) months from the date of that opinion.
19. The grant, deemed-grant or acceptance of a small wireless facility permit shall not waive and shall not be construed or deemed to waive the city's standing in a court of competent jurisdiction to challenge Title 47, United States Code, section 1455 or any small wireless facility permit issued pursuant to Title 47, United States Code, section 1455 or this Code.

SIDEWINDER MC A4

23625 MULHOLLAND HWY
 (34° 08' 16.24" N, 118° 38' 12.91" W)

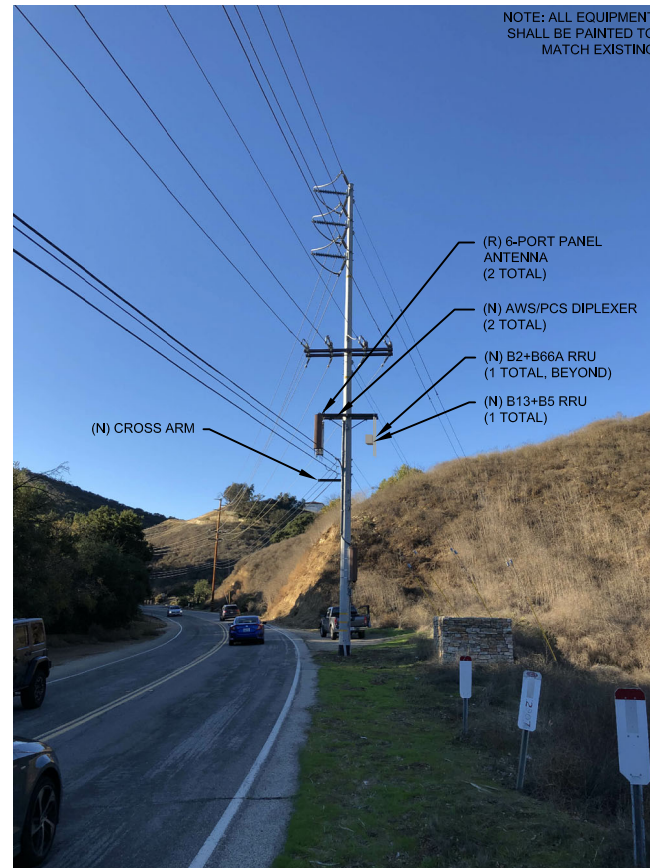
LOCATION



EXISTING



PROPOSED



NOTE: ALL EQUIPMENT SHALL BE PAINTED TO MATCH EXISTING



Verizon Wireless
 15505 Sand Canyon Avenue
 Irvine, CA 92618



J5 Infrastructure Partners
 2030 Main Street, Suite 200
 Irvine, CA 92614

PHOTOSIMULATION
 VIEW LOOKING NORTHWEST

Sheet No.

1

SIDEWINDER MC A4

23625 MULHOLLAND HWY
 (34° 08' 16.24" N, 118° 38' 12.91" W)

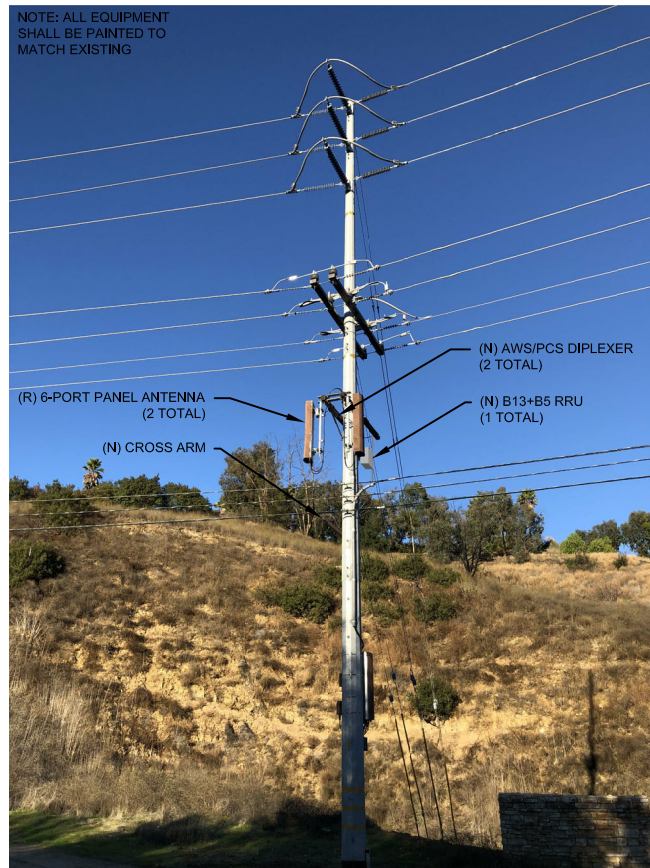
LOCATION



EXISTING



PROPOSED



Verizon Wireless
 15505 Sand Canyon Avenue
 Irvine, CA 92618



J5 Infrastructure Partners
 2030 Main Street, Suite 200
 Irvine, CA 92614

PHOTOSIMULATION
 VIEW LOOKING NORTHEAST

Sheet No.

2

SIDEWINDER MC A4

23625 MULHOLLAND HWY
 (34° 08' 16.24" N, 118° 38' 12.91" W)

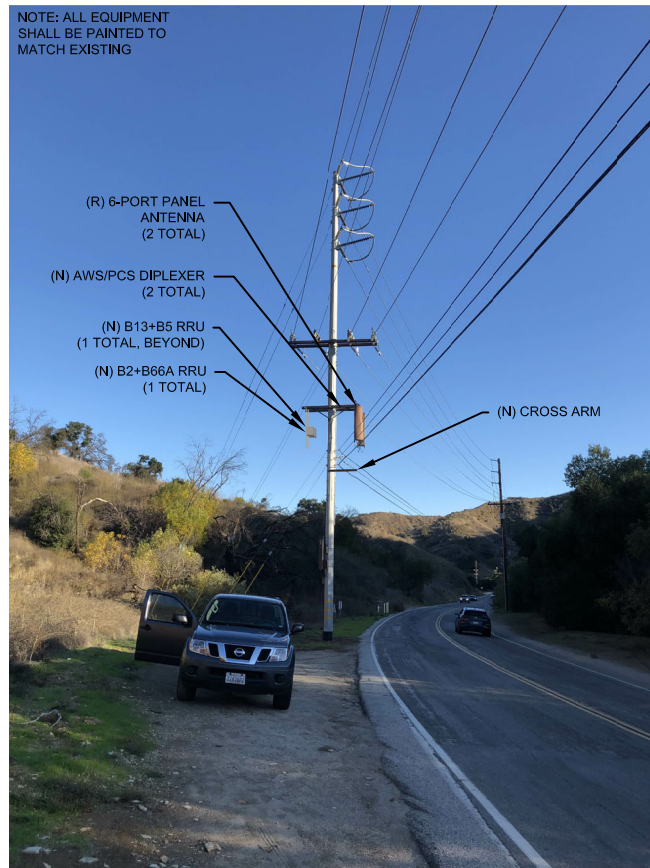
LOCATION



EXISTING



PROPOSED



Verizon Wireless
 15505 Sand Canyon Avenue
 Irvine, CA 92618



J5 Infrastructure Partners
 2030 Main Street, Suite 200
 Irvine, CA 92614

PHOTOSIMULATION
 VIEW LOOKING SOUTHEAST

Sheet No.

3