

**C.T.C. RESOLUTION NO. 2021-044**

**A RESOLUTION OF THE COMMUNICATIONS AND TECHNOLOGY COMMISSION OF THE CITY OF CALABASAS TO RECOMMEND TO THE CITY COUNCIL TO AMEND SECTION 17.12.050 OF THE CITY OF CALABASAS MUNICIPAL CODE SECTION 17.12.050 AND TO ADD A NEW CHAPTER 17.31 TO REGULATE WIRELESS TELECOMMUNICATION FACILITIES**

**Section 1. The Communications and Technology Commission has considered all of the evidence submitted into the administrative record which includes, but is not limited to:**

1. Agenda reports prepared by the Community Development Department, including the draft of Ordinance No. 2021-391.
2. Staff presentation at the public hearing held on February 25, 2021, before the Communications and Technology Commission.
3. The City of Calabasas Land Use and Development Code, General Plan, and all other applicable regulations and codes.
4. Public comments, both written and oral, received and/or submitted at or prior to the public hearing, supporting and/or opposing the applicant's request.
5. All related documents received and/or submitted at or prior to the public hearing.

**Section 2. Based on the foregoing evidence, the Communications and Technology Commission finds that:**

1. Notice of the February 25, 2021, Communications and Technology Commission public hearing was posted at Juan Bautista de Anza Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's market and at Calabasas City Hall.
2. Notice of the Communications and Technology Commission public hearing was published in The Acorn and Enterprise newspapers.

3. Notice of the Communications and Technology Commission public hearing included the notice requirements set forth in Government Code Section 65009 (b)(2).
4. Sections 2 of the Draft of Ordinance No. 2021-391, entitled findings, are accurate.
5. Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code stipulates that the Communications and Technology Commission shall be the recommending body to the City Council for all amendments to Section 17.12.050 of the CMC.

**Section 3. In view of all of the evidence and based on the foregoing findings, the Communications and Technology Commission concludes as follows:**

### **FINDINGS**

Section 17.76.050(B) and Section 17.12.050(I) of the Calabasas Municipal Code allows the Communications and Technology Commission to recommend and the City Council to approve a Development Code change relating to wireless communication facilities provided that the following findings are made:

1. *The proposed amendment is consistent with the goals, policies, and actions of the General Plan;*

The proposed amendment meets this finding because it maintains and strengthens the policies of the General Plan, including those in the Services, Infrastructure & Technology Element that are intended to encourage the development and maintenance of fast and secure communications networks in order to allow residents to take advantage of the benefits of personal wireless services. Specifically, the proposed amendment will encourage access to fast and secure broadband networks, as called for by Policy XII-35, by ensuring that the City's wireless facility ordinance complies with applicable federal law. The proposed amendment complies with federal law, which encourages a streamlined review process for the deployment of wireless facilities.

2. *The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the City;*

The proposed amendment is not detrimental to the public interest, health, safety, convenience, or welfare of the City as the proposed

amendment does not modify either the radio frequency emissions standards applicable to personal wireless telecommunications facilities, which are set and enforced solely by the Federal Communications Commission, or the health and safety requirements of Title 15 or any other provision of the Calabasas Municipal Code. The proposed amendment does not change any health or safety standard and does not permit approval of any modifications to existing wireless telecommunications facilities that violate the health and safety requirements of Title 15 of the Calabasas Municipal Code or any other applicable law. Given these circumstances, the proposed amendment meets this finding.

3. *The proposed amendment is in compliance with the provisions of the California Environmental Quality Act (CEQA).*

3.The Council finds that the proposed amendment is exempt from CEQA review because there is no possibility that this amendment, which does not directly authorize any new construction or development, may have a significant effect upon the environment. Under CEQA Guidelines Section 15061(b)(3), a project is exempt when there is no possibility that it may have a significant effect on the environment. The proposed amendment does not authorize any new construction or development; rather it modifies the City's existing standards for reviewing and approving wireless telecommunication facilities. Further, every proposed wireless facility governed by the proposed amendment will receive individualized CEQA review unless otherwise exempt under CEQA. Accordingly, the Council finds that the proposed amendment is exempt from CEQA under Guidelines Section 15061(b)(3) because there is no possibility that that it will have a significant effect on the environment.

4.

Additionally, the Council finds that the proposed amendment does not qualify as a "project" under CEQA Guidelines Section 15378(b)(5). Under CEQA Guidelines Section 15378(b)(5), a "project" does not include "administrative activities of governments that will not result in direct or indirect physical changes in the environment." The proposed amendment is an administrative activity because it creates an administrative process to determine review and approve new stealth wireless telecommunication facilities. The proposed amendment will not "result in direct or indirect physical changes in the environment" because the stealth design of new facilities will have minimal visual impact on the surrounding community. Accordingly, the Council finds that the regulations related to Section 6409(a) in the proposed amendment do not qualify as a "project" under CEQA Guidelines

Section 15378(b)(5) because it constitutes administrative activities of government that do not directly or indirectly result in any physical changes in the environment. A Notice of Exemption has been prepared.

*4. The proposed amendment is internally consistent with other applicable provisions of the Development Code.*

The proposed amendment creates a new Chapter, 17.31 in order to better organize wireless telecommunication facility regulations and create a streamlined process for stealth facilities in allowed locations. The new Chapter does not conflict with any other provision of the Development Code, therefore, the proposed amendment meets this finding.

**Section 4.** In view of all of the evidence and based on the foregoing findings and conclusions, the Communications and Technology Commission hereby adopts Communications and Technology Commission Resolution No. 2021-044, recommending City Council approval of Ordinance No. 2021-391, to amend Section 17.12.050 of the City of Calabasas Municipal Code and add a new Chapter 17.31 to regulate wireless telecommunications facilities.

**Section 5.** All documents described in Section 1 of CTC Resolution No. 2021-044 are deemed incorporated by reference as set forth at length.

COMMUNICATIONS AND TECHNOLOGY COMMISSION RESOLUTION NO. 2021-044 PASSED, APPROVED AND ADOPTED this 25th day of February 2021.

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Candice Weber  
Chairperson

ATTEST:

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Michael Russo  
Communications Director

APPROVED AS TO FORM:

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Matthew T. Summers  
Assistant City Attorney

Communications and Technology Commission Resolution No. 2021-044, was adopted by the Communications and Technology Commission at a special meeting held February 25, 2021, and that it was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAINED

“The Secretary of the Communications and Technology Commission shall certify the adoption of this Resolution, and transmit copies of this Resolution to the applicant along with proof of mailing in the form required by law and enter a copy of this Resolution in the book of Resolutions of the Communications and Technology Commission.”