

**CITY COUNCIL AGENDA
REGULAR MEETING – WEDNESDAY, APRIL 14, 2021
VIA ZOOM TELECONFERENCE
www.cityofcalabasas.com**

IMPORTANT NOTICE REGARDING THE APRIL 14, 2021, COUNCIL MEETING

This meeting is being conducted utilizing teleconferencing and electronic means consistent with Governor Newsom’s Executive Order N-29-20, regarding the COVID-19 pandemic. The live stream of the meeting may be viewed on the City’s CTV Channel 3 and/or online at <http://www.cityofcalabasas.com/>. In accordance with the Governor’s Executive Order, the public may participate in the meeting using the following steps:

From a PC, Mac, iPhone or Android device please go to:

<https://us02web.zoom.us/j/84790355212?pwd=eURsT01xTHRaQTZUYVfkWmZWVlI3ZzO9>

Webinar ID: 847 9035 5212

Passcode: 661781

Or iPhone one-tap:

US: +1-669-900-9128,, 84790355212# or +1-253-215-8782,, 84790355212#

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558-8656 or +1-301-715-8592 or +1-312-626-6799

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In the event a quorum of the City Council loses electrical power or suffers an internet connection outage not corrected within 15 minutes, the meeting will be adjourned. Any items noticed as public hearings will be continued to the next regularly scheduled meeting of the City Council. Any other agenda items the Council has not taken action on will be placed on a future agenda.

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Any legal action by an applicant, appellant, or other person, seeking to obtain judicial review of any City Council decisions may be subject to the 90-day filing period of, and governed by, Code of Civil Procedure sections 1094.5 and 1094.6.

CLOSED SESSION – 6:00 P.M.

1. Conference with Real Property Negotiator
(Gov't Code §54956.8)
Property Address: 27040 Malibu Hills Rd, Calabasas, CA 91301
Agency Negotiator: Kindon Meik, City Manager
Negotiating Party: City of Agoura Hills
Under Negotiation: Price and Terms of Payment
2. Public Employee Performance Evaluation (Gov. Code § 54957)
Position Title: City Manager

OPENING MATTERS – 7:00 P.M.

Call to Order/Roll Call of Councilmembers
Pledge of Allegiance
Approval of Agenda

ANNOUNCEMENTS/INTRODUCTIONS – 7:15 P.M.

ORAL COMMUNICATION – PUBLIC COMMENT – 7:25 P.M.

CONSENT ITEMS – 7:35 P.M.

1. [Approval of minutes of March 24 and March 31, 2021](#)
2. [Adoption of Ordinance No. 2021-391, revising Calabasas Municipal Code Section 17.12.050 \(Antennas/Personal Wireless Telecommunication Facilities\) and add a new Chapter 17.31 to regulate Wireless Telecommunication Facilities](#)
The Communications & Technology Commission (acting as a Planning Commission per Section 17.76 of the CMC) recommended approval of the Ordinance to the City Council at a Public Hearing held on February 25, 2021
3. [Adoption of Resolution No. 2021-1724, to record a Nuisance Abatement Lien against real property located at 22534 Calipatria Drive, Calabasas](#)
4. [Adoption of Resolution No. 2021-1728, approving the annual Investment Policy for Fiscal Year 2020-2021 and rescinding Resolution No. 2019-1657](#)
5. [Investment Reports for the quarter ended September 30, 2020, December 31, 2020 and March 31, 2021](#)
6. [Adoption of Resolution No. 2021-1729, proclaiming April 24, 2021 as "Arbor Day" in the City of Calabasas](#)

CONTINUED BUSINESS – 7:45 P.M.

7. Discussion on 2021 socially distant City events

NEW BUSINESS – 8:15 P.M.

8. Request for Council consideration of a support letter on Senate Bill 612 (SB612), (Portantino) Ratepayer Equity
9. Council Consideration of Potential Hazard/Hero Pay Ordinance for Front-line Grocery, Restaurant, and/or Hospitality Workers

INFORMATIONAL REPORTS – 9:10 P.M.

10. Check Register for the period of March 16-April 5, 2021

TASK FORCE REPORTS – 9:15 P.M.

CITY MANAGER'S REPORT – 9:20 P.M.

FUTURE AGENDA ITEMS – 9:25 P.M.

ADJOURN – 9:30 P.M.

The City Council will adjourn to a regular meeting scheduled on Wednesday, April 28, 2021, at 7:00 p.m.

**MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA
HELD WEDNESDAY, MARCH 24, 2021**

Mayor Bozajian called the Closed Session to order at 6:00 p.m. via Zoom Teleconferencing.

1. Conference with Real Property Negotiator
(Gov. Code §54956.8)
Property Address: 27040 Malibu Hills Rd, Calabasas, CA 91301
Agency Negotiator: Don Penman, Interim City Manager
Negotiating Party: City of Agoura Hills
Under Negotiation: Price and Terms of Payment

2. Public Employee Performance Evaluation (Gov. Code §54957)
Position Title: City Manager

Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Mayor Bozajian called the Open Session to order at 7:04 p.m. via Zoom Teleconferencing.

ROLL CALL

Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Absent: None

Staff: Bartlett, Haber, Hall, Hernandez, Klein, McConville, Meik, Summers and Tamuri

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Kindon Meik.

APPROVAL OF AGENDA

Mayor pro Tem Maurer moved, seconded by Councilmember Weintraub to approve the agenda. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Mr. Summers reported that the City Council met in Closed Session prior to this meeting and there were no reportable actions.

PRESENTATIONS

- Recognition of resident Grace Montano for being a Calabasas hero

Mayor Bozajian and Councilmembers expressed gratitude and appreciation to Ms. Montano for her efforts to maintain the community clean.

- By Christopher Moore, Local Government Liaison, California Public Utilities Commission

Ellen Pangarliotas and Thomas Sahiri spoke on this presentation.

ANNOUNCEMENTS/INTRODUCTIONS

Members of the Council made the following announcements:

Councilmember Kraut

- Will Kenny, Eagle Scout candidate of Troop 127 will be doing a project at King Gillette Ranch.
- Extended an invitation to the Hop & Go Bunny Trail at De Anza Park on April 3.

Mayor pro Tem Maurer

- Welcomed City Manager, Kindon Meik to his first Council meeting.
- Thanked staff for the closed caption feature.
- Fritz Coleman and Laurie Levenson will be participating in the upcoming Speaker Series hosted by the Senior Center. More information available on the City's website.
- Expressed her pain for the mass shootings in Boulder and Atlanta.

Councilmember Shapiro

- Expressed his thoughts and prayers for the Boulder and Atlanta victims.
- There are 1,187 cases of Covid-19 in Calabasas. The County has now entered the red tier, however, he encouraged everyone to maintain social distance, continue to wear a mask and beware of variants.
- Wished everyone a Happy Passover.

Councilmember Weintraub

- Expressed her sadness and hurt over the mass shootings in Atlanta and Boulder.
- Shared that hate is not tolerated in the City and encouraged everyone to immediately report any known incidents to authorities.

ORAL COMMUNICATIONS – PUBLIC COMMENT

None.

CONSENT ITEMS

Councilmember Shapiro requested Item No. 8 be pulled from Consent.

Mayor Bozajian requested Item No. 9 be pulled from Consent.

1. Approval of minutes of March 10, 2021
2. Adoption of Resolution No. 2021-1719, reaffirming and extending the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic
3. Adoption of Resolution No. 2021-1720, directing the transfer of \$200,000 from the AB939 fund to the Rondell Smart Park Project to cover cost of the site preparation work for installation of electric vehicle charging stations
4. Adoption of Resolution No. 2021-1721, executing the Master Agreement No. 00587S and Program Supplement Agreement No. W06 to fund development of a Local Road Safety Plan (LRSP)
5. Adoption of Ordinance No. 2021-392, amending Section 17.22.020 of the Calabasas Municipal Code (Density Bonus Provisions), as required to comply with the provisions of California Assembly Bill 2345 (AB2345)
6. Consideration and approval of Dennis Washburn's appointment to the Art in Public Places Advisory Committee
7. Adoption of Resolution No. 2021-1722, approving a renewal of the General Services Agreement with Los Angeles County ending June 30, 2026

Councilmember Weintraub moved, seconded by Councilmember Kraut to approve Consent Items Nos. 1-7. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

8. Approval and adoption of Policies and Procedures for City review and acceptance by the City of donated memorials and plaques

After discussion, Mayor pro Tem Maurer moved, seconded by Councilmember Weintraub to approve Consent Item No. 8 with modifications. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

9. Adoption of Resolution No. 2021-1723, amending Resolution No. 2017-1571 establishing the amount and procedure for health benefit reimbursement for management retirees

Councilmember Kraut moved, seconded by Councilmember Weintraub to continue Consent Item No. 9 to the March 31 Council meeting. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

CONTINUED BUSINESS

10. City Council discussion of the continued Las Virgenes/Malibu Council of Governments request to review proposed 2021 State Housing Bills, and authorization for the City Manager to prepare and Mayor to sign letters reflecting the City Council's position on all or selected bills

Ms. Tamuri and Mr. Kiernan presented the report.

The meeting recessed at 8:58 p.m.

The meeting reconvened at 9:10 p.m.

After discussion, the City Council concurred to defer AB115; and take no action on SB10 and SB12.

Councilmember Weintraub moved, seconded by Councilmember Kraut to oppose SB9 and support SB765. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

11. Adoption of Resolution No. 2021-1718, amending the FY 2020-21 budget of the South Coast Air Quality Management District fund. Authorize the six leased Toyota Prius cars to be purchased from Toyota Financial Services and sold

Mr. McConville presented the report.

Mayor pro Tem Maurer moved, seconded by Councilmember Shapiro to approve Item No. 11. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

PUBLIC HEARING

12. Introduction of Ordinance No. 2021-391, to revise Calabasas Municipal Code (CMC) Section 17.11.010 and 17.12.050 (Antennas/Personal Wireless Telecommunication Facilities), and add a new Chapter 17.31 to regulate Wireless Telecommunication Facilities

Mayor Bozajian opened public hearing.

Mr. Russo and Mr. Klein presented the report.

Mayor Bozajian closed the public hearing.

Councilmember Shapiro moved, seconded by Councilmember Weintraub to approve Item No. 12. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

NEW BUSINESS

13. Sheriff's Crime Report - February 2021

Deputy Mason De Matteo presented the report.

No action taken on this Item.

14. Discussion on 2021 social distant City events

15. Annual progress report for 2020 regarding the City of Calabasas 2030 General Plan 2014-2021 Housing Element

Councilmember Weintraub moved, seconded by Mayor pro Tem Maurer to continue Item Nos. 14-15 to the March 31 Council meeting. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

INFORMATIONAL REPORTS

16. Check Register for the period of February 23-March 15, 2021

No action taken on this Item.

TASK FORCE REPORTS

None.

CITY MANAGER'S REPORT

None.

FUTURE AGENDA ITEMS

Mayor Bozajian requested that Consent Item No. 9 be brought forward in closed and open sessions at the March 31 Council meeting.

ADJOURN

The meeting adjourned at 10:24 p.m. to a special meeting/study session scheduled on Wednesday, March 31, 2021, at 7:00 p.m.

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

**MINUTES OF A SPECIAL MEETING – STUDY SESSION
OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA
HELD WEDNESDAY, MARCH 31, 2021**

Mayor Bozajian called the Closed Session to order at 6:30 p.m. via Zoom Teleconferencing.

1. Conference with Labor Negotiations (Gov. Code Section 54957.6)
City Negotiator: Kindon Meik, City Manager
Employees: All Unrepresented Employees

Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Mayor Bozajian called the Open Session to order at 7:05 p.m. via Zoom Teleconferencing.

ROLL CALL

Present: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Absent: None

Staff: Ahlers, Bartlett, Hernandez, Klein, Meik, Mendoza, Summers and Tamuri

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by City Clerk Maricela Hernandez.

APPROVAL OF AGENDA

Councilmember Weintraub moved, seconded by Mayor pro Tem Maurer to approve the agenda. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

Mr. Summers reported that the City Council met in Closed Session prior to this meeting and there were no reportable actions.

ANNOUNCEMENTS/INTRODUCTIONS

Members of the Council made the following announcements:

Mayor pro Tem Maurer

- Shared her appreciation for Cesar Chavez and his accomplishments.

Councilmember Kraut

- Extended an invitation to the Hop & Go Bunny Trail at De Anza Park on April 3.

Councilmember Shapiro

- Los Angeles County is set to enter the orange tier on April 5.
- Wished everyone a Happy Passover and Happy Easter.
- Congratulated the CHS Football team on their first win of the season.
- Congratulated the UCLA Basketball team for making it to the top 4.

Councilmember Weintraub

- Encouraged everyone to call the Lost Hills Sheriff station if they need assistance or see suspicious activity.
- Reminded everyone that there is a 10-day quarantine in place for those traveling during the holidays.

Mayor Bozajian

- Expressed he is looking forward to the Hop & Go Bunny Trail on April 3 and wished everyone a Happy Easter.
- Extended an invitation to Arbor Day on April 24 and to the Creek Cleanup on April 25. More information on the City's website.
- Expressed his excitement for the City's 30th Anniversary on April 5.

ORAL COMMUNICATIONS – PUBLIC COMMENT

Richard Noyer spoke during public comment.

CONSENT

1. Adoption of Resolution No. 2021-1723, amending Resolution No. 2017-1571 establishing the amount and procedure for health benefit reimbursement for management retirees

Councilmember Kraut moved, seconded by Councilmember Weintraub to approve Consent Item No. 1. MOTION CARRIED 5/0 by Roll Call Vote as follows:

AYES: Mayor Bozajian, Mayor pro Tem Maurer, Councilmembers Kraut, Shapiro and Weintraub

CONTINUED BUSINESS

2. Annual progress report for 2020 regarding the City of Calabasas 2030 General Plan 2014-2021 Housing Element

Mr. Klein presented the report.

The City Council received and filed the report.

The meeting recessed at 8:07 p.m.

The meeting reconvened at 8:16 p.m.

SPECIAL ITEM

3. Study Session of the 2021–2029 Housing Element Update

Mr. Bartlett, Mr. Klein, Ms. Warner and Mr. Power presented the report.

Norma Citron, Joe Chilco and Luresa Byrne spoke on Item No. 3.

After extensive discussion, the City Council provided direction to staff.

TASK FORCE REPORTS

Councilmember Shapiro reported his participation in a Valley Economic Alliance Board meeting. He also reported he would be participating in a SCAG meeting for the CHD and Regional Council on April 1.

Councilmember Weintraub reported that Councilmember Shapiro and she met with the Public Safety subcommittee to discuss public communication improvements and the importance of emergency preparedness.

Mayor pro Tem Maurer reported she would be participating in a CPA meeting on April 1.

Councilmember Kraut reported his meeting with the Chamber of Commerce to highlight local restaurants and shops that have been impacted by the pandemic.

Mayor Bozajian reported that as of September 2021 the CCCA and the LCC would return to in person meetings. He also reported that there would be a one-day vaccination clinic at the AHCCC on April 16.

CITY MANAGER'S REPORT

Mr. Meik reported that a plan has been developed for all staff to return to on-

site work.

FUTURE AGENDA ITEMS

Councilmember Kraut requested a Priority Session to discuss upcoming agenda items.

Mayor Bozajian requested that the Planning Commission reconsider the short-term rental exemption Ordinance. He also requested that an update be provided on all pending annexations.

ADJOURN

The meeting adjourned at 10:22 p.m. to a regular meeting scheduled on Wednesday, April 14, 2021, at 7:00 p.m.

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: APRIL 5, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MICHAEL RUSSO, COMMUNICATIONS DIRECTOR
MICHAEL KLEIN, SENIOR PLANNER, AICP *MAK*
MATTHEW SUMMERS, ASSISTANT CITY ATTORNEY

SUBJECT: ADOPTION OF ORDINANCE NO. 2021-391, TO REVISE CMC SECTIONS 17.11.010 AND 17.12.050 (ANTENNAS/PERSONAL WIRELESS TELECOMMUNICATION FACILITIES), AND ADD A NEW CHAPTER 17.31 TO REGULATE WIRELESS TELECOMMUNICATION FACILITIES. THE COMMUNICATION AND TECHNOLOGY COMMISSION (ACTING AS A PLANNING COMMISSION PER SECTION 17.76 OF THE CMC) RECOMMENDED APPROVAL OF THE ORDINANCE TO THE CITY COUNCIL AT A PUBLIC HEARING HELD ON FEBRUARY 25, 2021.

MEETING DATE: APRIL 14, 2021

SUMMARY RECOMMENDATION:

Staff recommends that the City Council adopt Ordinance No. 2021-391 (Attachment A), amending CMC sections 17.11.010 and 17.12.050 (Antennas/Personal Wireless Telecommunication Facilities), and adding a new Chapter 17.31 to regulate Wireless Telecommunication Facilities.

BACKGROUND:

On March 24, 2021, the City Council conducted a public hearing on draft Ordinance No. 2021-391, after which the City Council introduced the ordinance and asked staff to amend the ordinance in response to clarification of certain item raised by Verizon. Staff has updated the final ordinance accordingly (see pages 3,4,12 and 46 of Attachment B), and it is now the appropriate time for this ordinance to be formally adopted.

REQUESTED ACTION:

Staff recommends that the City Council adopt Ordinance No. 2021-391.

ATTACHMENTS:

- A. City Council Ordinance No. 2021-391
- B. Redline version of Exhibit B of Ordinance No. 2021-391
- C. Wireless Facility Design Guidelines

**ITEM 2 ATTACHMENT A
ORDINANCE NO. 2021-391**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CALABASAS, CALIFORNIA AMENDING CALABASAS MUNICIPAL CODE, SECTIONS 17.11.010 AND 17.12.050 AND ADDING A NEW CHAPTER 17.31 REGULATING WIRELESS TELECOMMUNICATIONS FACILITIES.

WHEREAS, the City Council of the City of Calabasas, California (the "City Council") has considered all of the evidence including, but not limited to, the Communications and Technology Commission Resolution, Planning Division staff reports and attachments, and public testimony before making a final decision; and

WHEREAS, on August 12, 2020, the City Council directed staff to update Section 17.12.050 of the CMC and create a new Section 17.31 to regulate wireless telecommunication facilities; and

WHEREAS, the City Council finds that this Land Use and Development Code Amendment is consistent with the goals, policies, and actions of the General Plan and will not conflict with the General Plan; and

WHEREAS, this Land Use and Development Code Amendment implements the General Plan's visions and desire for the community, is adopted in the public's interest, and is otherwise consistent with federal and state law; and

WHEREAS, the City Council finds that this Land Use and Development Code Amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City; and

WHEREAS, the proposed actions are in compliance with the provisions of the California Environmental Quality Act (CEQA) because this project is categorically exempt from environmental review in accordance with Section 21084 of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines and because the proposed action is not a project under Section 15378(b)(5) of the CEQA Guidelines. A Notice of Exemption is prepared and will be filed in accordance with the CEQA guidelines; and

WHEREAS, the City Council has considered the entirety of the record, which includes without limitation, The Calabasas General Plan; all reports, testimony, and transcripts from the Communications and Technology Commission's February 25, 2021 meeting; and reports, and testimony at the City Council's March 24, 2021 meeting.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALABASAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Based upon the foregoing the City Council finds:

1. Notice of the March 24, 2021, City Council public hearing was posted at Juan de Anza Bautista Park, the Calabasas Tennis and Swim Center, Agoura Hills/Calabasas Community Center, Gelson's Market and at Calabasas City Hall.
2. Notice of the March 24, 2021, City Council public hearing was posted in the *Enterprise* ten (10) days prior to the hearings.
3. Notice of the March 24, 2021, City Council public hearing included the information set forth in Government Code Section 65009, subdivision (b)(2).
5. Following a public hearing held on February 25, 2021, the Communications and Technology Commission adopted Resolution No. 2021-044 recommending to the City Council approval of Ordinance No. 2021-391.

SECTION 2. In view of all the evidence and based on the foregoing findings, the City Council concludes as follows:

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).*

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.

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 this 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 3. Code Amendment. The Wireless Communications Facilities row of Table 2-2 of Section 17.11.010 of the Calabasas Municipal Code is hereby amended to read as follows. Additions are denoted by underlined text and deletions are denoted by strike through text.

Land Use	RS	RM	RMH	RR	RC	PD	HM	OS	OS-DR	See standards in section
Wireless Communications Facilities	<u>P/C</u>				<u>P/C</u>	<u>P/C</u>		<u>P/C</u>		<u>Chapter 17.31</u> 17.12.050

Land Use	PF	REC	CL	CR	CO	CMU	CB	CT	See standards in section
Wireless Communications Facilities	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u>	<u>P/C</u> (1)	<u>Chapter 17.31</u> 17.12.050

SECTION 4. Code Amendment. Section 17.12.050 of Title 17 of the Calabasas Municipal Code is hereby amended to read as set forth in Exhibit A hereto.

SECTION 5. Code Amendment. Chapter 17.31 of Title 17 of the Calabasas Municipal Code is hereby added to read as set forth in Exhibit B hereto.

SECTION 6. Wireless Facility Design Guidelines. The City Council hereby approves and further delegates authority to the Communications and Technology Commission to amend, from time to time as deemed appropriate, the City's Wireless Facility Design Guidelines.

SECTION 7. Severability Clause:

Should any section, clause, or provision of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole, or parts thereof, other than the part so declared to be invalid.

SECTION 8. Effective Date:

This Ordinance shall take effect thirty days from passage and adoption under California Government Code Section 36937.

SECTION 9. Certification:

The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published or posted according to law.

PASSED, APPROVED AND ADOPTED this 14th day of April, 2021.

James Bozajian, Mayor

ATTEST:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney

ORDINANCE ATTACHMENTS:

- Exhibit A: Section 17.12.050 of the Calabasas Municipal Code
- Exhibit B: Chapter 17.31 of the Calabasas Municipal Code

Ordinance No. 2021-391
Exhibit A

Calabasas Municipal Code

Section 17.12.050 – Amateur Radio Antennas/Satellite Antennas.

- A. **Purpose and Intent.** The purpose of this section is to regulate the installation, operation and maintenance of amateur radio antennas and satellite antennas in the city.
- B. **Applicability.** This section applies to all existing and proposed amateur radio antennas and satellite antennas.
- C. **Standards for Satellite/Communications Antennas.** Satellite/Communications antennas, including portable units and dish antennas, shall be designed, installed and maintained in compliance with the regulations of the Federal Communications Commission. Satellite antennas with diameters larger than one meter in residential zones and two meters in non-residential zones shall also comply with the following requirements provided these provisions do not conflict with applicable state and federal regulations.
1. Permit Requirement. Zoning clearance shall be required for satellite antennas with diameters of one meter or less; administrative plan review approval shall be required for satellite antennas larger than one meter. A Scenic Corridor Permit shall be required for satellite antennas larger than one meter located within a designated scenic corridor.
 2. Application - Plans. Plans for satellite antennas shall be submitted with applications for a building permit, and shall include a site plan and elevation drawings indicating the height, diameter, color, setbacks, foundation details, landscaping, and method of screening. The plans shall be subject to approval of the director.
 3. Location. No satellite antenna shall be located within any required front-yard or street-side- yard setbacks in any zone. In addition, no portion of a satellite antenna shall extend beyond a property line.
 4. Color. A satellite antenna and its supporting structure shall be painted a single, neutral, non-glossy color; such as an earth tone, gray, or black; and, to the extent possible, be compatible with the appearance and character of the surrounding neighborhood.

5. Wiring. All wiring shall be placed underground whenever possible.
6. Residential Zones. In any residential zone, satellite antennas shall be subject to the following standards:
 - a. Only ground-mounted satellite antennas shall be permitted. Ground-mounted antennas shall be located in the rear yard of any property to the extent technically possible;
 - b. Satellite antennas shall not exceed fifteen (15) feet in height;
 - c. Only one satellite antenna may be permitted on any single-family residential site;
 - d. Only one antenna shall be permitted per dwelling unit on any multiple family residential site;
 - e. A satellite antenna shall be separated from adjacent properties by at least a six-foot-high solid wall or fence or by trees or other plants of equal minimum height;
 - f. Any satellite antenna that is taller than an adjacent property-line fence shall be located away from the side or rear property line a distance equal to or greater than the height of the antenna;
 - g. The diameter of a satellite antenna shall not exceed two meters. This provision may be modified by the director if the applicant provides a sufficient technical study prepared by a qualified engineer demonstrating to the director's satisfaction that strict compliance would result in no satellite reception; and
 - h. A satellite antenna shall be used for private, noncommercial purposes only.
7. Nonresidential Zones. In any nonresidential zone, satellite antennas may be roof- or ground-mounted and shall be subject to the following standards:
 - a. If roof-mounted, satellite antennas shall be screened from ground view by a parapet or other screening approved by the city. The minimum height and design of a parapet, wall, or other screening shall be subject to the approval of the director;
 - b. If ground-mounted, satellite antennas shall not be located between a structure and an adjacent street and shall be screened from public view and neighboring properties;

- c. The location and height of satellite antennas shall comply with all requirements of the underlying zone; and
- d. If the subject site abuts a residential zone, all antennas shall be set back a minimum distance from the property line equal to the height of the antenna, unless screened from view.

D. Standards for Amateur Radio Antennas. All amateur radio antennas shall be designed, constructed and maintained as follows:

- 1. The maximum height shall not exceed forty (40) feet, measured from finished grade;
- 2. Any boom or other active element or accessory structure shall not exceed twenty-five (25) feet in length;
- 3. Antennas may be roof- or ground-mounted; and
- 4. Antennas may not be located in any front-yard or side-yard setbacks.
- 5. These standards in this subsection F are subject to modification or waiver by the director on a case-by-case basis where required for the city to comply with FCC PRB-1, California Government Code 65850.3, and other applicable law, and where such modification or waiver is based on sufficient technical information provided in writing by the applicant at the request of the city.

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

Ordinance No. 2021-391
Exhibit B

Chapter 17.31 – Wireless Telecommunication Facilities

17.31.010 – Purpose

- A. Purpose and Intent. The purpose of this Chapter is to regulate the installation, operation and maintenance of wireless telecommunication facilities in the city. The city recognizes that the unrestricted installation of redundant personal wireless telecommunication facilities is contrary to the city's efforts to stabilize economic and social aspects of neighborhood environments, and to promote safety and aesthetic considerations, family environments and a basic residential character within the city.

In enacting this Chapter, the city intends to:

1. 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;
2. Protect the benefits derived by the city, its residents and the general public from access to personal wireless services while minimizing, to the greatest extent feasible, the redundancy of personal wireless telecommunication facilities in the city;
3. Balance these goals, by permitting the installation and operation of wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and/or aesthetic impacts on nearby properties and the community as a whole; and
4. Comply with applicable law, including the 1996 Telecommunications Act.
5. This section is intended to regulate all uses of wireless communications in the city, including uses by public utilities, to the extent of the city's power to regulate the use of land under federal and state law, but not to exceed the scope of the city's authority.

17.31.020 - Applicability

- A. Applicability. This Chapter applies to all proposed antennas and modifications and related wireless telecommunication facilities, as follows:
1. All applications for approval of the installation of new wireless telecommunication facilities in the city.

2. All facilities for which applications were received by the department but not approved prior to the effective date of the ordinance codifying this Chapter, shall comply with the regulations and guidelines of this Chapter.
 3. All facilities for which applications were approved by the city on or prior to the effective date of the ordinance codifying this Chapter shall be exempt from this section, except for the requirements of subsections 17.31.030(B)(1)(e) and 17.31.030(B)(2)(b).
 4. All facilities for which applications have been previously approved, but are now or hereafter modified.
- B. Permit Requirements. No wireless telecommunication facility shall be installed or modified until the applicant or operator has obtained:
1. A Tier 1 Wireless Telecommunication Facility Permit as specified in Section 17.31.040, or
 2. A Tier 2 Wireless Telecommunication Facility Permit as specified in Section 17.31.050, or
 3. A Minor Modification Permit as specified in Section 17.31.060, or
 4. A Small Wireless Facility Permit as specified in Section 17.31.070; and
 5. Any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.

All new wireless telecommunication facilities and modifications to an existing wireless facility shall be subject to a Tier 2 Wireless Telecommunication Facility Permit if the proposed facility does not meet the criteria for a Tier 1 Wireless Telecommunication Facility Permit, Minor Modification Permit, or Small Wireless Facility Permit.

17.31.030 – General Standards and Conditions of Approval

The following standards and conditions of approval shall apply to all new wireless telecommunication facilities or modifications to existing wireless facilities.

A. Standards

1. Standards for wireless telecommunication facilities located within the public right-of-way.
 - a. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
 - b. Unless otherwise prohibited by state or federal law, all equipment not located on a pole shall be underground; any equipment that is not

undergrounded shall be screened from adjacent uses to the maximum extent feasible.

- c. Facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
- d. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
- e. Pole-mounted equipment, not including antennas, shall not exceed six (6) cubic feet.
- f. All installations shall be 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 existing antennae.
- g. The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of a pole or tower other than a streetlight pole, nor seven (7) feet above the height of a streetlight pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen (16) feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95 as it now exists or may hereafter be amended.
- h. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower to the nearest structure designed for occupancy.
- i. Facilities located within a designated scenic corridor or historic districts shall be stealth facilities, with all equipment, excluding required electrical meter cabinets, located underground or pole-mounted. Required electrical meter cabinets shall be screened as approved by the commission or director.
- j. Personal wireless telecommunication facilities not located within a scenic corridor or historic district designated by the city shall be designed to place all equipment underground or on an existing pole consistent with Section 17.31.030(A)(1)(e), excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed up to a

height of five (5) feet and to a footprint of fifteen (15) square feet. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission or director.

- k. Equipment shall be located so as not to cause: (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) inconvenience to the public's use of a public right-of-way, or (iii) safety hazards to pedestrians and motorists. In no case shall ground-mounted equipment, walls, or landscaping be less than eighteen (18) inches from the front of the curb.
 - l. 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.
 - m. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission.
 - n. Pole-mounted antennas shall adhere to the following guidelines. If an antenna cannot be mounted as set forth in subsection (i), it may be mounted in accordance with subsection (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):
 - (i) A stealth facility mounted on an existing, collocated monopole or tower;
 - (ii) A stealth facility mounted on an existing steel, wood, or concrete pole, including a light standard; or
 - (iii) A stealth facility mounted on a new steel, wood, or concrete pole but only if an operator shows that it cannot otherwise close a significant gap in its service coverage, and that the proposal is the least intrusive means of doing so.
2. Standard for wireless telecommunication facilities not located within the public right-of-way.
- a. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
 - b. Unless otherwise prohibited by state or federal law, all equipment not located on a pole shall be underground; any equipment that is not undergrounded shall be screened from adjacent uses to the maximum extent feasible.

- c. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
- d. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
- e. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower from the nearest property line of any residentially zoned or occupied lot.
- f. Facilities shall be a stealth design, to the maximum extent feasible.
- g. Building-mounted facilities shall be designed and constructed to be fully screened in a manner that is compatible in color, texture and type of material with the architecture of the building on which the facility is mounted.
- h. All accessory equipment associated with the operation of a wireless telecommunication 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.
- i. No wireless telecommunication facility shall be placed within 50 feet horizontally and vertically of a Significant Ridgeline, as mapped in the General Plan.
- j. Facilities shall comply with the development standards of the underlying zoning district the subject site is located within.
- k. Guidelines for Placement on Structures. Antennas shall be mounted on structures utilizing the methods described below. 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):
 - 1. A stealth facility mounted on an existing structure or collocated on an existing tower;
 - 2. A stealth facility mounted on an existing steel or concrete pole, including a light standard;

3. A stealth facility mounted on a new structure architecturally compatible with the surrounding area; or
4. A stealth facility mounted on a new steel, wood, or concrete pole.

B. Conditions of Approval for all new or modified wireless facilities.

1. Conditions of approval for new or modified wireless telecommunication facilities located within the public right-of-way.

- a. Any approved wireless telecommunication communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.
- b. The applicant or operator of the wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the city, and the owner in the circumstance where the owner is not the city. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the 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.
- c. Should any utility company offer electrical service to a wireless facility which service does not require the use of a meter cabinet, the

applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.

- d. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
- e. The applicant, operator of a facility and property owner (when applicable) 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, location, inspection or maintenance of the facility.
- f. Removal of Unsafe Facilities. If, at any time after the issuance of a building permit or encroachment permit, any wireless telecommunication facility becomes incompatible with public health or safety, 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 personal wireless telecommunication 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 ten (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.
- g. The owner or operator of any wireless telecommunication facility approved by a Tier 1 or Tier 2 Wireless Telecommunication Facility Permit under this subsection (A) of this Section 17.31.030 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.31 of the Calabasas Municipal Code.
- h. Prior to the issuance of a building permit or encroachment permit for a new facility, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all

facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the director on a case-specific basis and in an amount reasonably related to the obligations required under this Code and all conditions of approval, and shall be specified in the conditions of approval.)

- i. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a wireless telecommunication facility.
- j. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
- k. A wireless telecommunication facility approved by a Tier 2 Wireless Facility Permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.
- l. Abandonment:
 - 1) Personal wireless telecommunication facilities that are no longer operating shall be removed 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.
 - 2) The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication 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 ten (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.

- 3) 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 completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
- 4) 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 for the removal of the facilities, including legal fees and costs

2. Conditions of approval for all new or modified wireless telecommunication facilities not located within the public right-of-way.
 - a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
 - b. The applicant, operator of a facility and property owner (when applicable) 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, location, inspection or maintenance of the facility.
 - c. The owner or operator of any wireless telecommunication facility approved by a Tier 1 or Tier 2 Wireless Telecommunication Facility Permit under this subsection (A) of this Section 17.31.030 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.31 of the Calabasas Municipal Code.
 - d. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.
 - e. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.

f. Abandonment:

1. Wireless telecommunication facilities that are no longer operating shall be removed 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.
2. The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication 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 ten (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.
3. 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 completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
4. 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 for the removal of the facilities, including legal fees and costs.

- C. Independent Expert Review. The city may retain one (1) or more independent, qualified consultants to review any application for a Tier 1 and Tier 2 Wireless Facility Permit, a Wireless Facility Minor Modification Permit, or for a Small Wireless Facility Permit. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and may address any or all of the following, as applicable:

1. For Tier 2 Wireless Facility Permits, whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
2. The accuracy and completeness of submissions;
3. For Tier 2 Wireless Facility Permits, technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
4. The applicability of analysis techniques and methodologies;
5. For Tier 2 Wireless Facility Permits, the viability of alternative sites and alternative designs; and
6. For all wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and
7. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, as established by the director or city council.

- D. Construction. These standards are intended to exert the maximum authority available to the city in the regulation of wireless telecommunication 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. The purpose of this Chapter (17.31) is to regulate wireless telecommunications 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.
- E. Standards for all wireless facilities
- All facilities shall be stealth to the maximum extent feasible.
- F. Violations. The city may revoke a permit for any wireless telecommunication 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 (1) remedy shall not cause an election precluding the use of any other remedy with respect to a violation.
- G. Allowed locations

The following table identifies the allowed zoning districts and locations for wireless telecommunication facilities based on permit type, subject to the limitations and requirements of this Chapter 17.31 and other applicable law:

Table 17.31.1															
	RS	RC	CR	CMU	CB	CO	CL	CT	OS	PF	REC	PD	Arterial Roads	Collector Streets	Local Streets (PRO W) Only
Tier 1	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Tier 2			x	x	x	x	x	x		x		x	x		x
Small Wireless Facility Permit				x	x	x	x	x		x			x	x	x

Wireless facilities are not permitted in any other zone not listed in Table 17.31.1. Tier 2 and Small Wireless Facility Permits are not permitted on any privately owned roads or streets rights-of-way.

17.31.040 – Tier 1 Wireless Telecommunication Facility Permit

- A. Purpose. The purpose of this section is to encourage the deployment of stealth wireless facilities in appropriate areas of the City, in order to provide safe and reliable wireless service to the community.
- B. Applicability. An applicant seeking approval of a collocation or modification to an existing structure or wireless facility, or deployment of a new wireless facility, which complies with the standards in Section 17.31.030 and Section 17.31.040(C), shall apply for a Tier 1 Wireless Facility Permit and any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit. An applicant seeking approval of a subsequent proposed modification of an existing wireless facility, which complies with the standards in Section 17.31.030 and Section 17.31.040(C), shall also apply for a Tier 1 Wireless Facility Permit and any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Standards. Wireless telecommunication facilities subject to a Tier 1 Wireless Telecommunication Facility Permit shall be subject to the following standards:

1. Wireless telecommunication facilities located within the public right-of-way or privately owned "right-of-ways" located within a common interest development.
 - a. Tier 1 wireless telecommunication facilities shall comply with standards set forth in Section 17.31.030.
 - b. Tier 1 wireless telecommunication facilities are allowed on arterial and collector roads identified in the Circulation Element of the General Plan, including privately owned "right-of-ways" located within a common interest development as defined by Civil Code section 4100.
 - c. Ground mounted equipment, antennas and structures shall comply with the height and size limits established in Section 17.31.030.
 - d. New wireless telecommunication facilities shall be co-located on an existing structure or replacement structure of similar size and location, or if no existing or replacement structure is feasible, may be located on a new light standard, utility pole, or similar structure.
 - e. All equipment (except any required utility meter cabinet) shall be located underground or pole mounted.
 - f. All facilities shall meet the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines.
2. Wireless telecommunication facilities not located within the public right-of-way.
 - a. Wireless telecommunication facilities shall comply with standards set forth in Section 17.31.030.
 - b. Tier 1 wireless telecommunication facilities are allowed in all Commercial Zones, and the PF, REC, OS, PD, RC, and RS zones. A wireless facility is only allowed in the REC, OS, RC, and RS zones if it is located on a parcel that is developed with a street or structure, under government ownership or common ownership by a common interest development as defined by Civil Code section 4100, and not dedicated for open space or development restricted.
 - c. The height of a wireless telecommunication facility shall comply with the height limit established by the underlying zoning district. Height exceptions may be allowed for antennas completely screened and located within an architectural feature consistent with Section 17.20.140.
 - d. Wireless telecommunication facilities shall comply with the setbacks established by the underlying zoning district and Section 17.31.030.
 - e. New wireless telecommunication facilities shall be co-located on an existing structure or replacement structure of similar size and location,

or if no existing or replacement structure is feasible, may be located on a new light standard, utility pole, or other structure.

- f. All facilities shall meet the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines.
- D. Application content. Applications for the approval of a Tier 1 Wireless Telecommunication Facility Permit shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city pursuant to Chapter 17.60 of this title:
1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director;
 2. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040;
 3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application;
 4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect;
 5. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless facility complies with all applicable building codes;
 6. Noise Study. A noise study or written statement, 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. The noise study shall assess compliance with Section 17.12.050(C)(4)(e);
 7. Site Survey. For any new wireless telecommunication facilities proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures within two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other

street furniture; and (viii) existing trees, oak trees, planters and other landscaping features;

8. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section;
 9. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
 10. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power";
 11. Other Information. Such other information as the city may require, as specified in publically available materials, including information required as stated on the city's website.
- E. Application review. Each application for a Tier 1 Wireless Telecommunication Facility Permit shall be reviewed by the Director. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- F. Findings. The Director may approve a Tier 1 Wireless Telecommunication Facility Permit only if each of the following findings can be made:
1. The proposed wireless telecommunication facility meets the standards set forth in Sections 17.31.030 and 17.31.040.
 2. The proposed wireless telecommunication facility is designed as a stealth facility consistent with the City's Design Guidelines for Tier 1 wireless telecommunication facilities.

G. Conditions of Approval. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all Tier 1 Wireless Telecommunication Facility Permits under this subsection, shall include the following conditions of approval:

1. 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.
2. As-Built Plans. 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.
3. 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.
4. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
5. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
6. Violations. The 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.

H. Denial without prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a Tier 1 Wireless Telecommunication Facility Permit in any of the following circumstances:
 - a. The director cannot make all findings required for approval of a Tier 1 wireless telecommunication facility permit; or
 - b. The proposed permit would cause the violation of an objective, generally applicable law protecting public health or safety.
2. Procedures For Denial Without Prejudice. All Tier 1 Wireless Telecommunication Facility Permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a Tier 1 Wireless Telecommunication Facility Permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new wireless facility permit application for the same or substantially the same proposed facility; or
 - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility permit application. In the event that the director denies a wireless facility permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility permit application for the same or substantially the same proposed facility unless all costs for the previously denied permit application are paid in full.

17.31.050 – Tier 2 Wireless Telecommunication Facility Permit

- A. Purpose. This section is intended to comply with the city's obligations under federal law to ensure that wireless providers are not prohibited from providing wireless service within the City of Calabasas.
- B. Applicability. All new wireless telecommunication facilities or modifications to an existing wireless telecommunications facility, however originally approved, that do not meet the findings of approval required for a Tier 1 Wireless Telecommunication Facility Permit as specified in Section 17.31.040(F), Wireless Facility Minor Modification Permit as specified in Section 17.31.060(E), or a small wireless facility permit as specified in Section 17.31.070(G), shall be subject to the approval of (i) a Tier 2 Wireless Telecommunication Facility Permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Standards. Wireless telecommunication facilities subject to a Tier 2 Wireless Telecommunication Facility Permit shall be subject to the following standards:
1. Facilities shall comply with the standards set forth in section 17.31.030.
 2. New Wireless Facility Preferred Zones and Locations - When doing so would not conflict with one (1) of the standards set forth in Section 17.31.030 or with federal law, wireless telecommunication facilities subject to the approval of a Tier 2 Wireless Telecommunication Facility Permit shall be located in the most appropriate location as described in this subsection (2), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.31.050(C)3 below.
 - a. Collocation on an existing facility in a commercial zone;
 - b. Collocation on an existing structure or utility pole in a commercial zone;
 - c. Location on a new structure in a commercial zone;
 - d. Collocation on an existing facility in a public facility or recreation zone;
 - e. Location on an existing structure or utility pole in a public facility or recreation zone; or
 - f. Location on a new structure in a public facility or recreation zone.

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission or director that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission or director may authorize a facility to

be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

3. All new wireless telecommunication facilities subject to a Tier 2 Wireless Telecommunication Facility Permit, shall be set back at least one thousand (1,000) feet from schools, dwelling units, and parks, as measured from the closest point of the personal wireless telecommunication 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 telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park and who is subject to the approval of a wireless facility permit for the proposed height increase 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 least intrusive means to do so.
4. Prohibited Locations - No Tier 2 wireless telecommunication facility shall be established on any ridgeline or within any residential or open space zoning district described in subparagraphs (i), (ii) and (iii) herein:
 - a. Ridgelines. No personal wireless telecommunication facility shall be placed on or near a ridgeline.
 - b. Residential Zones. No facility shall be located within a residential zone, including areas set aside for open space, parks or playgrounds.
 - c. Open Space. No facility shall be located within an open space zone or park.

Notwithstanding this subsection, wireless telecommunication facilities subject to the approval of a Tier 2 Wireless Telecommunication Facility Permit may be permitted in a prohibited location only if the applicant obtains a Tier 2 Wireless Telecommunication Facility Permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap

- D. Application content. Applications for the approval of a Tier 2 Wireless Telecommunication Facility Permit shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city pursuant to Chapter 17.60 of this title:

1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director;
2. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040;
3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application;
4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect;
5. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless facility complies with all applicable building codes;
6. Site Survey. For any new wireless facilities proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures within two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, oak trees, planters and other landscaping features;
7. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section;
8. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
9. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules,

Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power";

10. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in accordance with the location requirements of this Section 17.31.050;
11. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
12. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator intended to serve the city. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two (2) years of submittal of the application. Applicants may not file, and the city shall not accept, applications that are not consistent with the master plan for a period of two (2) years from approval of a wireless facility permit unless: (i) the applicant demonstrates materially changed conditions which could not have been reasonably anticipated to justify the need for a personal wireless telecommunication facility site not shown on a master plan submitted to the city within the prior two (2) years or (ii) the applicant establishes before the commission that a new personal wireless telecommunication 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;
13. A siting analysis which identifies a minimum of five (5) other feasible locations within or without the city which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The alternative site analysis shall include at least one (1) collocation site;
14. A noise study, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators;
15. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed personal wireless telecommunication facility

wherever technically and economically feasible and aesthetically desirable;
and

16. Such other information as the director shall establish from time to time pursuant to the Permit Streamlining Act, Government Code Section 65940, or to respond to changes in law or technology.
 17. An application for a personal wireless telecommunication facility in a public right-of-way for which the applicant claims entitlement under California Public Utilities Code Section 7901 shall be accompanied by evidence satisfactory to the director that the applicant is a telephone corporation or has written authorization to act as an agent for a telephone corporation.
- E. Application review. Applications for Tier 2 Wireless Telecommunication Facility Permits shall be first reviewed by the development review committee. All applications for Tier 2 Wireless Telecommunication Facility Permits will be scheduled for a public hearing before the commission in accordance with Section 17.31.050(I) and Chapter 17.78 of this Code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- F. Tier 2 Wireless telecommunication Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this Code, no Tier 2 Wireless telecommunication Facility Permit may be approved unless the commission or council finds as follows:
1. 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.
 2. 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 Chapter 17.31 of the Calabasas Municipal Code.
 3. The facility satisfies the location requirements of Section 17.31.050(C)(2) of the Calabasas Municipal Code.
- G. Conditions of Approval. In addition to the conditions of approval in Section 17.31.020, all new wireless facilities subject to a Tier 2 Wireless Facility Permit shall be subject to the following condition(s):

1. A new wireless telecommunication facility approved by a Tier 2 Wireless Facility Permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

H. Denial without prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:
 - a. The director cannot make all findings required for approval of a wireless facility minor modification permit;
 - b. The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety; or
 - c. The proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure.
2. Procedures For Denial Without Prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
 - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
 - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility

permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

- I. Additional Notice to Neighbors. After an application for a Tier 2 Wireless Telecommunication Facility Permit is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:

1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (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) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014, and codified at 47 C.F.R. §§ 1.40001, et seq., as they now exist or may hereafter be amended.

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

17.31.060 – Wireless Telecommunication Facility Minor Modification Permit

Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

- A. Purpose. This Section is intended to comply with the city's obligations under federal law, which provides that the city "may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L No. 112-96, 126 Stat. 156.) This Section creates a process for the city to review an application for a Wireless Facility Minor Modification Permit submitted by an applicant who asserts that a proposed collocation or modification to an existing wireless telecommunications facility is covered by this federal law and to determine whether the city must approve the proposed collocation or modification. The city's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations

implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.31.010(A)(5), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No. 104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.

- B. **Applicability.** An applicant seeking approval of a collocation or modification to an existing wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a Wireless Facility Minor Modification Permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this Code), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. **Application content.** All applications for a wireless facility minor modification permit must include the following items.
 - 1. **Application Form.** The city's standard application form, available on the city's website or from the community development department, as may be amended.
 - 2. **Application Fee.** An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - 3. **Independent Consultant Deposit.** An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application.
 - 4. **Site and Construction Plans.** Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - a. A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
 - b. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - c. A depiction of all existing and proposed utility runs and points of contact.
 - d. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
 - e. For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four (4) elevations that

depict the physical dimensions of the wireless tower as it existed on February 22, 2012, or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four (4) elevations that depict the physical dimensions of the base station as it existed on February 22, 2012, or as approved if constructed after February 22, 2012.

5. Visual Simulations. A visual analysis that includes (i) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view angle; (ii) a color and finished material palate for proposed screening materials; and (iii) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
6. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.31.060(E) and explain the facts that justify the request for the director to make each finding.
7. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
8. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All

planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

9. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
 10. Noise Study. A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise.
 11. Other Permits. An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the city for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
 12. Other Information. Such other information as the city may require, as specified in publically available materials, including information required as stated on the city's website.
- D. Application Review, Notice, and Hearing. Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter 17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the city must approve or deny an application for a wireless facility minor modification permit, together with any other city permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty-day review period, excluding tolling period, will result in the permit being deemed granted by operation of law. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- E. Findings Required for Approval by Director at Public Hearing

1. Facilities not located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower on private property only if each of the following findings can be made:
 - a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
 - b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
 - c. The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
 - d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
 - e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access or utility easements;
 - f. The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).
2. Facilities located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station on private property only if each of the following findings can be made:
 - a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or not, that currently supports existing wireless transmission equipment;

- b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;
 - c. The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;
 - d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
 - e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
 - f. The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).
3. Base station located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right-of-way only if each of the following findings can be made:
- a. The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or not, that currently supports existing wireless transmission equipment;
 - b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;
 - c. The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;

- d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
- e. The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten (10) percent larger in height or overall volume than any existing ground cabinets;
- f. The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right-of-way;
- g. The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and
- h. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).

F. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:

1. No Automatic Renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
2. Compliance with Previous Approvals. The grant or approval of a wireless facility minor modification permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by Section 6409, subdivision (a).
3. As-Built Plans. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire personal wireless telecommunications facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
4. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, 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 the wireless facility minor modification permit and the issuance of any permit or entitlement in connection therewith. The applicant 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.

5. Compliance with Applicable Laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
6. Compliance with Approved Plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
7. Violations. The facility shall be developed, maintained, and operated in full compliance with the conditions of the wireless facility minor modification 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 wireless facility minor modification 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.
8. 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 modification granted or deemed granted under a wireless facility minor modification permit, such permit shall automatically expire twelve (12) months from the date of that opinion.
9. The grant, deemed-grant or acceptance of wireless facility minor modification 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 wireless

facility minor modification permit issued pursuant to Title 47, United States Code, section 1455 or this Code.

G. Wireless Facility Minor Modification Permit Denial Without Prejudice.

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances;
 - a. The director cannot make all findings required for approval of a wireless facility minor modification permit;
 - b. The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;
 - c. The proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or
 - d. The proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
2. Procedures For Denial Without Prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
 - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
 - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the city shall return any unused deposit fees within sixty (60) days after a written

request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

17.31.070 – Small Wireless Telecommunication Facility Permit

This subsection governs applications for small wireless facilities permits.

- A. Purpose. This Section is intended to comply with the city's obligations under 47 C.F.R. section 1.6001 et seq., which implements 47 U.S.C. sections 332(c)(7) and 1455. This subsection creates a process for the city to review an application for a small wireless facility permit submitted by an applicant who asserts that a proposed collocation of a small wireless facility using an existing structure or the deployment of a small wireless facility using a new structure, and the modifications of such small wireless facilities, is covered by federal law and to determine whether the city must approve the proposed collocation or deployment.
- B. Applicability. An applicant seeking approval of a collocation to an existing structure or a deployment to a new structure which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a small wireless facility permit, (ii) an encroachment permit from the public works department (if required by applicable provisions of this Code), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Application content. All applications for a small wireless facility permit must include the following items:
 - 1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director.
 - 2. An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - 3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application.
 - 4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.

- a. A site plan and elevation drawings for the facility as existing and as proposed with all height, depth, and width measurements explicitly stated.
 - b. A depiction, with height, depth, and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - c. A depiction of all existing and proposed utility runs and points of contact.
 - d. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
 - e. All four (4) elevations that depict the physical dimensions of the wireless tower or support structure and all transmission equipment, antennas and attachments.
 - f. A demolition plan.
5. Visual Simulations. A visual analysis that includes (i) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view angle; (ii) a color and finished material palette for proposed screening materials; and (iii) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
 6. Statement Asserting That 47 C.F.R. Section 1.6001 Et Seq. Applies. A written statement asserting that the proposed collocation or deployment qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. section 1.6002.
 7. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulation implementing this federal law.
 8. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional

Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

9. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed small wireless facility complies with all applicable building codes.
 10. Noise Study. A noise study or written statement, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators. The noise study shall assess compliance with Section 17.31.030.
 11. Site Survey. For any new small wireless facility proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures with two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, oak trees, planters and other landscaping features.
 12. Other Permits. An application for a small wireless facility permit shall include all permit applications with all required application materials for each and every separate permit required by the city for the proposed collocation or deployment, including a building permit, an encroachment permit (if applicable) and an electrical permit (if applicable).
- D. Application review. Each application for a new or modified small wireless facility permit shall be reviewed by the director. The city must approve or deny an application for a small wireless facility permit, together with any other city permits required for a proposed small wireless facility, within sixty (60) days after the applicant submits an application to collocate a small wireless facility using an existing structure, and within ninety (90) days after the applicant submits an application to deploy a small wireless facility using a new structure. At the time an application is deemed complete, the director shall provide

written notice to all property owners within three hundred (300) feet of the site of a proposed small wireless facility.

Applicants may submit up to five (5) individual applications for a small wireless facility permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.

- E. Tolling period. Unless a written agreement between the applicant and the city provides otherwise, the application is tolled when the city notifies the applicant within ten (10) days of the applicant's submission of the application that the application is materially incomplete and identifies the missing documents or information. The shot clock may again be tolled if the city provides notice within ten (10) days of the application's resubmittal that it is materially incomplete and identifies the missing documents or information. For an application to deploy small wireless facilities, if the city notifies the applicant on or before the tenth day after submission that the application is materially incomplete, and identifies the missing documents or information and the rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation will restart at zero on the date the applicant submits a completed application.
- F. Standards Governing Approval by the Director. The director shall approve or deny an application to collocate a small wireless facility using an existing structure by evaluating the following standards in addition to the standards set forth in section 17.31.030:
 - 1. The existing structure was constructed and maintained with all necessary permits in good standing.
 - 2. The existing structure is fifty (50) feet or less in height, including any antennas, or the existing structure is no more than ten (10) percent taller than other adjacent structures.
 - 3. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume.

4. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment serving the facility, is no more than twenty-eight (28) cubic feet in volume.
 5. The small wireless facilities do not extend the existing structure on which they are located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater.
 6. The small wireless facility does not require an antenna structure registration under part 47 C.F.R. section 17.1 et seq.
 7. The small wireless facility is not located on Tribal lands, as defined under 36 C.F.R. section 800.16(x).
 8. The proposed collocation is consistent with the allowed locations in Table 17.31.1 of Section 17.31.030.
 9. The proposed collocation is consistent with the design and development standards of subsection 17.31.030.
 10. The proposed collocation is consistent with the independent expert review provisions of subsection 17.31.030(C).
 11. The proposed collocation is consistent with the conditions of approval provisions of subsection 17.31.030.
 12. For collocations not located within the public right-of-way, the proposed collocation shall be consistent with the standards of subsection 17.31.030(A)(2).
 13. For collocation located within the public right-of-way, the proposed collocation shall be consistent with subsection 17.31.030(A)(1).
 14. The proposed collocation would be in the most preferred location and configuration within two hundred fifty (250) feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location or configuration within two hundred fifty (250) feet would be technically infeasible, applying the preference standards of this section.
 15. The proposed collocation is designed as a stealth facility, to the maximum feasible extent.
- G. Findings. 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;
 2. The proposed project would be in the most preferred location as identified in Section 17.31.050(C)(2) 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;

3. The proposed project complies with the standards for a small wireless facility as specified in Section 17.31.070(F)
 4. For proposed project not located within the public right-of-way, the proposed project complies with subsection 17.31.030(A)(2).
 5. For proposed projects located within the public right-of-way, the proposed project complies with subsection 17.31.030(A)(1).
 6. The proposed collocation is designed as a stealth facility, to the maximum feasible extent.
- H. Conditions of Approval for Small Wireless Facility Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all small wireless facility permits under this subsection shall include the following conditions of approval:
1. No Automatic Renewal. The grant or approval of a small wireless facility permit shall not renew or extend the underlying permit term.
 2. 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.
 3. As-Built Plans. 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.
 4. 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.

5. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
6. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
7. Violations. 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.
8. 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.
9. 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.

I. Small Wireless Facility Permit Denial Without Prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a small wireless facility permit in any of the following circumstances:

- a. The director cannot make all findings required for approval of a small wireless facility permit;
 - b. The proposed collocation or deployment would cause the violation of an objective, generally applicable law protecting public health or safety;
 - c. The proposed collocation or deployment involves the removal and replacement of an existing facility's entire supporting structure; or
 - d. The proposed collocation or deployment does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
2. Procedures for denial without prejudice. All small wireless facility permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
 3. Submittal after denial without prejudice. After the director denies a small wireless facility permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new small wireless facility permit application for the same or substantially the same proposed collocation or deployment;
 - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or deployment; or
 - c. Submit an appeal of the director's decision.
 4. Costs to review a denied permit. The city shall be entitled to recover the reasonable costs for its review of any small wireless facility permit application. In the event that the director denies a small wireless facility permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a small wireless facility permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

17.31.080 - Communications and Technology Commission as Planning Commission for Specified Purposes.

For purposes of approvals required by this Chapter 17.31 and any other entitlement under this Code required only because the application seeks to construct or operate a personal wireless telecommunication facility (including, but not limited to, a scenic corridor permit, a variance, or an oak tree permit), "commission" means the Communications and Technology Commission created pursuant to Chapter 2.38 of this Code, which is hereby constituted as a Planning Commission of the City for that purpose pursuant to Government Code Section 65100. As to any application that seeks approvals for both (i) new structures, or uses of existing structures or of land other than construction and operation of a personal wireless telecommunication facility and (ii) for the construction and operation of a personal wireless telecommunication facility, the Communications and Technology Commission shall be the "commission" for purposes of approvals required only because the application seeks to construct and operate a personal wireless telecommunication facility. The Planning Commission created pursuant to Chapter 2.28 of this Code shall be the "commission" for all other entitlements sought by the application. In addition, the Communications and Technology commission shall be the "commission" for purposes of review of proposed amendments to this Chapter 17.31. Any appeal of a decision by the Director related to a permit application under this Chapter 17.31 shall be heard by the Communications and Technology Commission, subject to further appeal to the City Council, under the requirements of Chapter 17.74.

17.31.090 - Private Enforcement.

In addition to any other remedy available to the city under this Code, at law or in equity, violations of this Chapter 17.31 may be remedied as follows:

- A. 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.
- B. Private Enforcement. In addition to any other remedy available to the city under this Code, at law or in equity, violations of this Chapter 17.31 may be remedied as follows:
 1. 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.
 2. 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.
- C. A private enforcer shall provide a copy of his, her, or its action to the city attorney within seven days of filing it.

- D. Upon settlement of or entry of judgment in an action brought pursuant to paragraph (7) of this subsection (I), 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 be set aside upon motion of the city attorney or city prosecutor to a court of competent jurisdiction.
- E. Upon proof of a violation of this section, the court shall award the following:
1. Appropriate injunctive relief and damages in the amount of either:
 - a. Upon proof, actual damages;
 - b. With insufficient or no proof of damages, a minimum of five hundred dollars (\$500.00) 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.
 2. Restitution to the appropriate party or parties of gains obtained due to a violation of this section.
 3. 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.
 4. Attorney's fees and costs reasonably incurred by a successful party in prosecuting or defending an action.
- 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.
- F. 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.
- G. 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.

H. 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.

17.31.100 - 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 Chapter 17.31 shall be construed in light of the following definitions:

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

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

"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.

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

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"City" means the City of Calabasas and is further defined in Section 1.08.020 of this Code.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Commission" has the meaning set forth in paragraph (l) of this section.

"dBA" is defined in Chapter 17.90 of this title.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"FCC" means the Federal Communications Commission or any successor to that agency.

"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 and the circumstances that prevented the applicant from conducting 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.

"Least intrusive means" means that the location or design of a personal wireless telecommunication 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 personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

"MPE" means maximum permissible exposure.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the Office of Engineering and Technology of the Federal Communications Commission.

"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.

"Park" and "playground" shall have their ordinary, dictionary meanings.

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

"Personal wireless telecommunication 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 cellular phone service, personal communication service and paging service.

"Private enforcer" has the meaning provided in 17.31.090.

"Residential zone" means a zone created by Chapter 17.13 of this title.

"RF" means radio frequency.

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication 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 neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
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 identity 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 vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
3. A significant gap may be measured by:
 - a. The number of people affected by the asserted gap in service;
 - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
 - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

"Small wireless facility" means a personal wireless telecommunication facility that also meets the definition of a small wireless facility by the FCC in 47 C.F.R. Section 1.6002, as may be amended or superseded.

"Stealth facility" means any personal wireless telecommunication facility which is designed to 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. All equipment shall be placed underground or pole mounted to the maximum extent feasible. All wires, cables, and any other connections shall be completely concealed from public view to the maximum extent feasible. Only non-functional, screening material equivalent in appearance to the existing, underlying building, light standard, or other structure may be visible.

"Tier 1 Wireless Telecommunication Facility Permit" means a permit issued under this chapter authorizing the installation, operation and maintenance of a

personal wireless telecommunications 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 Chapter.

"Tier 2 Wireless Telecommunication Facility Permit " means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications 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 Chapter (including, but not limited to, those of Section 17.62.060 for a conditional use permit).

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. 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 Section 17.31.060.

"Wireless tower" or "telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.

Ordinance No. 2021-391
Exhibit B

Chapter 17.31 – Wireless Telecommunication Facilities

17.31.010 – Purpose

- A. Purpose and Intent. The purpose of this Chapter is to regulate the installation, operation and maintenance of wireless telecommunication facilities in the city. The city recognizes that the unrestricted installation of redundant personal wireless telecommunication facilities is contrary to the city's efforts to stabilize economic and social aspects of neighborhood environments, and to promote safety and aesthetic considerations, family environments and a basic residential character within the city.

In enacting this Chapter, the city intends to:

1. 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;
2. Protect the benefits derived by the city, its residents and the general public from access to personal wireless services while minimizing, to the greatest extent feasible, the redundancy of personal wireless telecommunication facilities in the city;
3. Balance these goals, by permitting the installation and operation of wireless telecommunication facilities where they are needed, while reducing, to the greatest extent feasible, adverse economic, safety and/or aesthetic impacts on nearby properties and the community as a whole; and
4. Comply with applicable law, including the 1996 Telecommunications Act.
5. This section is intended to regulate all uses of wireless communications in the city, including uses by public utilities, to the extent of the city's power to regulate the use of land under federal and state law, but not to exceed the scope of the city's authority.

17.31.020 - Applicability

- A. Applicability. This Chapter applies to all proposed antennas and modifications and related wireless telecommunication facilities, as follows:
1. All applications for approval of the installation of new wireless telecommunication facilities in the city.

2. All facilities for which applications were received by the department but not approved prior to the effective date of the ordinance codifying this Chapter, shall comply with the regulations and guidelines of this Chapter.
 3. All facilities for which applications were approved by the city on or prior to the effective date of the ordinance codifying this Chapter shall be exempt from this section, except for the requirements of subsections 17.31.030(B)(1)(e) and 17.31.030(B)(2)(b).
 4. All facilities for which applications have been previously approved, but are now or hereafter modified.
- B. Permit Requirements. No wireless telecommunication facility shall be installed or modified until the applicant or operator has obtained:
1. A Tier 1 Wireless Telecommunication Facility Permit as specified in Section 17.31.040, or
 2. A Tier 2 Wireless Telecommunication Facility Permit as specified in Section 17.31.050, or
 3. A Minor Modification Permit as specified in Section 17.31.060, or
 4. A Small Wireless Facility Permit as specified in Section 17.31.070; and
 5. Any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.

All new wireless telecommunication facilities and modifications to an existing wireless facility shall be subject to a Tier 2 Wireless Telecommunication Facility Permit if the proposed facility does not meet the criteria for a Tier 1 Wireless Telecommunication Facility Permit, Minor Modification Permit, or Small Wireless Facility Permit.

17.31.030 – General Standards and Conditions of Approval

The following standards and conditions of approval shall apply to all new wireless telecommunication facilities or modifications to existing wireless facilities.

A. Standards

1. Standards for wireless telecommunication facilities located within the public right-of-way.
 - a. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
 - b. Unless otherwise prohibited by state or federal law, all equipment not located on a pole shall be underground; any equipment that is not

undergrounded shall be screened from adjacent uses to the maximum extent feasible.

- c. Facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
- d. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
- e. Pole-mounted equipment, not including antennas, shall not exceed six (6) cubic feet.
- f. All installations shall be 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 existing antennae.
- g. The maximum height of any antenna shall not exceed twenty-four (24) inches above the height of a pole or tower other than a streetlight pole, nor seven (7) feet above the height of a streetlight pole, nor shall any portion of the antenna or equipment mounted on a pole be less than sixteen (16) feet above any drivable road surface. All installations on utility poles shall fully comply with California Public Utilities Commission General Order 95 as it now exists or may hereafter be amended.
- h. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower to the nearest structure designed for occupancy.
- i. Facilities located within a designated scenic corridor or historic districts shall be stealth facilities, with all equipment, excluding required electrical meter cabinets, located underground or pole-mounted. Required electrical meter cabinets shall be screened as approved by the commission or director
- j. Personal wireless telecommunication facilities not located within a scenic corridor or historic district designated by the city shall be designed to place all equipment underground or on an existing pole consistent with Section 17.31.030(A)(1)(e), excluding required electrical meters. However, if such facilities cannot be placed underground, ground-mounted equipment may be installed up to a

height of five (5) feet and to a footprint of fifteen (15) square feet. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission or director.

- k. Equipment shall be located so as not to cause: (i) any physical or visual obstruction to pedestrian or vehicular traffic, (ii) inconvenience to the public's use of a public right-of-way, or (iii) safety hazards to pedestrians and motorists. In no case shall ground-mounted equipment, walls, or landscaping be less than eighteen (18) inches from the front of the curb.
 - l. 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.
 - m. Ground-mounted equipment shall be screened, to the fullest extent possible, through the use of landscaping, walls, or other decorative feature, as approved by the commission.
 - n. Pole-mounted antennas shall adhere to the following guidelines. If an antenna cannot be mounted as set forth in subsection (i), it may be mounted in accordance with subsection (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):
 - (i) A stealth facility mounted on an existing, collocated monopole or tower;
 - (ii) A stealth facility mounted on an existing steel, wood, or concrete pole, including a light standard; or
 - (iii) A stealth facility mounted on a new steel, wood, or concrete pole but only if an operator shows that it cannot otherwise close a significant gap in its service coverage, and that the proposal is the least intrusive means of doing so.
2. Standard for wireless telecommunication facilities not located within the public right-of-way.
- a. Facilities shall have subdued colors and non-reflective materials which blend with the materials and colors of the surrounding area and structures.
 - b. Unless otherwise prohibited by state or federal law, all equipment not located on a pole shall be underground; any equipment that is not undergrounded shall be screened from adjacent uses to the maximum extent feasible.

- c. The facilities shall not bear any signs or advertising devices other than certification, warning or other signage required by law or expressly permitted by the city.
- d. At no time shall equipment noise (including air conditioning units) from any facility exceed the applicable noise limit established in Section 17.20.160 of this title at the facility's property line; provided, however, that for any such facility located within five hundred (500) feet of any property zoned open space or residential, or improved with a residential use, such equipment noise shall at no time be audible at the property line of any open space or residentially zoned, or residentially improved property.
- e. A freestanding telecommunications tower or monopole shall be set back a distance of at least one hundred fifty (150) percent of the height of the tower from the nearest property line of any residentially zoned or occupied lot.
- f. Facilities shall be a stealth design, to the maximum extent feasible.
- g. Building-mounted facilities shall be designed and constructed to be fully screened in a manner that is compatible in color, texture and type of material with the architecture of the building on which the facility is mounted.
- h. All accessory equipment associated with the operation of a wireless telecommunication 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.
- i. No wireless telecommunication facility shall be placed within 50 feet horizontally and vertically of a Significant Ridgeline, as mapped in the General Plan.
- j. Facilities shall comply with the development standards of the underlying zoning district the subject site is located within.
- k. Guidelines for Placement on Structures. Antennas shall be mounted on structures utilizing the methods described below. 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):
 - 1. A stealth facility mounted on an existing structure or collocated on an existing tower;
 - 2. A stealth facility mounted on an existing steel or concrete pole, including a light standard;

3. A stealth facility mounted on a new structure architecturally compatible with the surrounding area; or
4. A stealth facility mounted on a new steel, wood or concrete pole.

B. Conditions of Approval for all new or modified wireless facilities.

1. Conditions of approval for new or modified wireless telecommunication facilities located within the public right-of-way.

- a. Any approved wireless telecommunication communication facility within a public right-of-way shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the public works director to: (i) protect the public health, safety, and welfare; (ii) prevent interference with pedestrian and vehicular traffic; or (iii) prevent damage to a public right-of-way or any property adjacent to it. Before the director of public works imposes conditions, changes, or limitations pursuant to this paragraph, he or she shall notify the applicant or operator, in writing, by mail to the address set forth in the application or such other address as may be on file with the city. Such change, new limitation or condition shall be effective twenty-four (24) hours after deposit of the notice in the United States mail.
- b. The applicant or operator of the wireless telecommunication facility shall not move, alter, temporarily relocate, change, or interfere with any existing public facility, structure or improvement without the prior written consent of the city, and the owner in the circumstance where the owner is not the city. No structure, improvement or facility owned by the city shall be moved to accommodate a personal wireless telecommunication facility unless: (i) the city determines, in its sole and absolute discretion, that such movement will not adversely affect the city or surrounding residents or businesses, and (ii) the applicant or operator pays all costs and expenses related to the relocation of the city's facilities. Every applicant or operator of any personal wireless telecommunication facility shall assume full liability for damage or injury caused to any property or person by his, her, or its facility. Before commencement of any work pursuant to an encroachment permit issued for any personal wireless telecommunication facility within a public right-of-way, an applicant shall provide the city with documentation establishing to the city's satisfaction that the 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.
- c. Should any utility company offer electrical service to a wireless facility which service does not require the use of a meter cabinet, the

applicant or operator of the facility shall at its cost remove the meter cabinet and any foundation thereof and restore the area to its prior condition.

- d. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
- e. The applicant, operator of a facility and property owner (when applicable) 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, location, inspection or maintenance of the facility.
- f. Removal of Unsafe Facilities. If, at any time after the issuance of a building permit or encroachment permit, any wireless telecommunication facility becomes incompatible with public health or safety, 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 personal wireless telecommunication 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 ten (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.
- g. The owner or operator of any wireless telecommunication facility approved by a Tier 1 or Tier 2 Wireless Telecommunication Facility Permit under this subsection (A) of this Section 17.31.030 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.31 of the Calabasas Municipal Code.
- h. Prior to the issuance of a building permit or encroachment permit for a new facility, the applicant or owner/operator of the facility shall pay for and provide a performance bond, which shall be in effect until all

facilities are fully and completely removed and the site reasonably returned to its original condition. The purpose of this bond is to cover the applicant's or owner/operator of the facility's obligation under the conditions of approval and the City of Calabasas Municipal Code. The bond coverage shall include, but not be limited to, removal of the facility, maintenance obligations and landscaping obligations. (The amount of the performance bond shall be set by the director on a case-specific basis and in an amount reasonably related to the obligations required under this Code and all conditions of approval, and shall be specified in the conditions of approval.)

- i. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a wireless telecommunication facility.
- j. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.
- k. A wireless telecommunication facility approved by a Tier 2 Wireless Facility Permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.
- l. Abandonment:
 - 1) Personal wireless telecommunication facilities that are no longer operating shall be removed 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.
 - 2) The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication 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 ten (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.

- 3) 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 completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
- 4) 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 for the removal of the facilities, including legal fees and costs

2. Conditions of approval for all new or modified wireless telecommunication facilities not located within the public right-of-way.
 - a. Facilities shall not bear any signs or advertising devices other than legally required certification, warning, or other required seals or signage, or as expressly authorized by the city.
 - b. The applicant, operator of a facility and property owner (when applicable) 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, location, inspection or maintenance of the facility.
 - c. The owner or operator of any wireless telecommunication facility approved by a Tier 1 or Tier 2 Wireless Telecommunication Facility Permit under this subsection (A) of this Section 17.31.030 shall cooperate with the director to: (1) verify that the facility design conforms with relevant building and safety requirements; and (2) verify that the facility complies with the requirements of Section 17.31 of the Calabasas Municipal Code.
 - d. An applicant shall not transfer a permit to any person or entity prior to completion of construction of a personal wireless telecommunication facility.
 - e. The applicant shall submit as-built photographs of the facility within ninety (90) days of installation of the facility, detailing the installed equipment.

f. Abandonment:

1. Wireless telecommunication facilities that are no longer operating shall be removed 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.
2. The director shall send a written notice of the determination of non-operation to the owner and operator of the personal wireless telecommunication 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 ten (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.
3. 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 completion of abandonment, the site shall be restored to its original condition at the expense of the applicant, operator, or owner.
4. 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 for the removal of the facilities, including legal fees and costs.

C. Independent Expert Review. The city may retain one (1) or more independent, qualified consultants to review any application for a Tier 1 and Tier 2 Wireless Facility Permit, a Wireless Facility Minor Modification Permit, or for a Small Wireless Facility Permit. The review is intended to be a review of technical aspects of the proposed wireless telecommunication facility or modification of an existing wireless telecommunication facility and may address any or all of the following, as applicable:

1. For Tier 2 Wireless Facility Permits, whether the proposed wireless telecommunication facility is necessary to close a significant gap in coverage and is the least intrusive means of doing so;
2. The accuracy and completeness of submissions;
3. For Tier 2 Wireless Facility Permits, technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;
4. The applicability of analysis techniques and methodologies;
5. For Tier 2 Wireless Facility Permits, the viability of alternative sites and alternative designs; and
6. For all wireless facility permits, an analysis of the potential expansion that would be considered an eligible facility request under Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012; and
7. Any other specific technical issues designated by the city.

The cost of the review shall be paid by the applicant through a deposit estimated to cover the cost of the independent review, as established by the director or city council.

- D. Construction. These standards are intended to exert the maximum authority available to the city in the regulation of wireless telecommunication 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. The purpose of this Chapter (17.31) is to regulate wireless telecommunications 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.
- E. Standards for all wireless facilities
- All facilities shall be stealth to the maximum extent feasible.
- F. Violations. The city may revoke a permit for any wireless telecommunication 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 (1) remedy shall not cause an election precluding the use of any other remedy with respect to a violation.
- G. Allowed locations

The following table identifies the allowed zoning districts and locations for wireless telecommunication facilities based on permit type, subject to the limitations and requirements of this Chapter 17.31 and other applicable law:

	Table 17.31.1														
	RS	RC	CR	CMU	CB	CO	CL	CT	OS	PF	REC	PD	Arterial Roads	Collector Streets	Local Streets (PROW Only)
Tier 1	x	x	x	x	x	x	x	x	x	x	x	x	x	x	
Tier 2			x	x	x	x	x	x		x		x	x		<u>x</u>
Small Wireless Facility Permit				x	x	x	x	x		x			x	<u>x</u>	<u>x</u>

Wireless facilities are not permitted in any other zone not listed in Table 17.31.1. Tier 2 and Small Wireless Facility Permits are not permitted on any privately owned roads or streets rights-of-way.

17.31.040 – Tier 1 Wireless Telecommunication Facility Permit

- A. Purpose. The purpose of this section is to encourage the deployment of stealth wireless facilities in appropriate areas of the City, in order to provide safe and reliable wireless service to the community.
- B. Applicability. An applicant seeking approval of a collocation or modification to an existing structure or wireless facility, or deployment of a new wireless facility, which complies with the standards in Section 17.31.030 and Section 17.31.040(C), shall apply for a Tier 1 Wireless Facility Permit and any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit. An applicant seeking approval of a subsequent proposed modification of an existing wireless facility, which complies with the standards in Section 17.31.030 and Section 17.31.040(C), shall also apply for a Tier 1 Wireless Facility Permit and any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Standards. Wireless telecommunication facilities subject to a Tier 1 Wireless Telecommunication Facility Permit shall be subject to the following standards:

1. Wireless telecommunication facilities located within the public right-of-way or privately owned "right-of-ways" located within a common interest development.
 - a. Tier 1 wireless telecommunication facilities shall comply with standards set forth in Section 17.31.030.
 - b. Tier 1 wireless telecommunication facilities are allowed on arterial and collector roads identified in the Circulation Element of the General Plan, including privately owned "right-of-ways" located within a common interest development as defined by Civil Code section 4100.
 - c. Ground mounted equipment, antennas and structures shall comply with the height and size limits established in Section 17.31.030.
 - d. New wireless telecommunication facilities shall be co-located on an existing structure or replacement structure of similar size and location, or if no existing or replacement structure is feasible, may be located on a new light standard, utility pole, or similar structure.
 - e. All equipment (except any required utility meter cabinet) shall be located underground or pole mounted.
 - f. All facilities shall meet the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines.
2. Wireless telecommunication facilities not located within the public right-of-way.
 - a. Wireless telecommunication facilities shall comply with standards set forth in Section 17.31.030.
 - b. Tier 1 wireless telecommunication facilities are allowed in all Commercial Zones, and the PF, REC, OS, PD, RC, and RS zones. A wireless facility is only allowed in the REC, OS, RC, and RS zones if it is located on a parcel that is developed with a street or structure, under government ownership or common ownership by a common interest development as defined by Civil Code section 4100, and not dedicated for open space or development restricted.
 - c. The height of a wireless telecommunication facility shall comply with the height limit established by the underlying zoning district. Height exceptions may be allowed for antennas completely screened and located within an architectural feature consistent with Section 17.20.140.
 - d. Wireless telecommunication facilities shall comply with the setbacks established by the underlying zoning district and Section 17.31.030.
 - e. New wireless telecommunication facilities shall be co-located on an existing structure or replacement structure of similar size and location,

or if no existing or replacement structure is feasible, may be located on a new light standard, utility pole, or other structure.

- f. All facilities shall meet the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines.

D. Application content. Applications for the approval of a Tier 1 Wireless Telecommunication Facility Permit shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city pursuant to Chapter 17.60 of this title:

1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director;
2. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040;
3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application;
4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect;
5. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless facility complies with all applicable building codes;
6. Noise Study. A noise study or written statement, 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. The noise study shall assess compliance with Section 17.12.050(C)(4)(e);
7. Site Survey. For any new wireless telecommunication facilities proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures within two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other

street furniture; and (viii) existing trees, oak trees, planters and other landscaping features;

8. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section;
 9. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
 10. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power";
 11. Other Information. Such other information as the city may require, as specified in publically available materials, including information required as stated on the city's website.
- E. Application review. Each application for a Tier 1 Wireless Telecommunication Facility Permit shall be reviewed by the Director. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- F. Findings. The Director may approve a Tier 1 Wireless Telecommunication Facility Permit only if each of the following findings can be made:
1. The proposed wireless telecommunication facility meets the standards set forth in Sections 17.31.030 and 17.31.040.
 2. The proposed wireless telecommunication facility is designed as a stealth facility consistent with the City's Design Guidelines for Tier 1 wireless telecommunication facilities.

G. Conditions of Approval. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all Tier 1 Wireless Telecommunication Facility Permits under this subsection, shall include the following conditions of approval:

1. 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.
2. As-Built Plans. 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.
3. 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.
4. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
5. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
6. Violations. The 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.

H. Denial without prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a Tier 1 Wireless Telecommunication Facility Permit in any of the following circumstances:
 - a. The director cannot make all findings required for approval of a Tier 1 wireless telecommunication facility permit; or
 - b. The proposed permit would cause the violation of an objective, generally applicable law protecting public health or safety.
2. Procedures For Denial Without Prejudice. All Tier 1 Wireless Telecommunication Facility Permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a Tier 1 Wireless Telecommunication Facility Permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new wireless facility permit application for the same or substantially the same proposed facility; or
 - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility permit application. In the event that the director denies a wireless facility permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility permit application for the same or substantially the same proposed facility unless all costs for the previously denied permit application are paid in full.

17.31.050 – Tier 2 Wireless Telecommunication Facility Permit

- A. Purpose. This section is intended to comply with the city's obligations under federal law to ensure that wireless providers are not prohibited from providing wireless service within the City of Calabasas.
- B. Applicability. All new wireless telecommunication facilities or modifications to an existing wireless telecommunications facility, however originally approved, that do not meet the findings of approval required for a Tier 1 Wireless Telecommunication Facility Permit as specified in Section 17.31.040(F), Wireless Facility Minor Modification Permit as specified in Section 17.31.060(E), or a small wireless facility permit as specified in Section 17.31.070(G), shall be subject to the approval of (i) a Tier 2 Wireless Telecommunication Facility Permit, in addition to (ii) an encroachment permit from the public works department (if applicable), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Standards. Wireless telecommunication facilities subject to a Tier 2 Wireless Telecommunication Facility Permit shall be subject to the following standards:
1. Facilities shall comply with the standards set forth in section 17.31.030.
 2. New Wireless Facility Preferred Zones and Locations - When doing so would not conflict with one (1) of the standards set forth in Section 17.31.030 or with federal law, wireless telecommunication facilities subject to the approval of a Tier 2 Wireless Telecommunication Facility Permit shall be located in the most appropriate location as described in this subsection (2), which range from the most appropriate to the least appropriate. Nothing in this section shall detract from the requirements of Section 17.31.050(C)3 below.
 - a. Collocation on an existing facility in a commercial zone;
 - b. Collocation on an existing structure or utility pole in a commercial zone;
 - c. Location on a new structure in a commercial zone;
 - d. Collocation on an existing facility in a public facility or recreation zone;
 - e. Location on an existing structure or utility pole in a public facility or recreation zone; or
 - f. Location on a new structure in a public facility or recreation zone

No new facility may be placed in a less appropriate area unless the applicant demonstrates to the satisfaction of the commission or director that no more appropriate location can feasibly serve the area the facility is intended to serve provided, however, that the commission or director may authorize a facility to

be established in a less appropriate location if doing so is necessary to prevent substantial aesthetic impacts.

3. All new wireless telecommunication facilities subject to a Tier 2 Wireless Telecommunication Facility Permit, shall be set back at least one thousand (1,000) feet from schools, dwelling units, and parks, as measured from the closest point of the personal wireless telecommunication 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 telecommunication facility is the least intrusive means to do so. An applicant who seeks to increase the height of an existing personal wireless telecommunication facility, or of its antennas, located less than one thousand (1,000) feet from a school, dwelling unit or park and who is subject to the approval of a wireless facility permit for the proposed height increase 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 least intrusive means to do so.
4. Prohibited Locations - No Tier 2 wireless telecommunication facility shall be established on any ridgeline or within any residential or open space zoning district described in subparagraphs (i), (ii) and (iii) herein:
 - a. Ridgelines. No personal wireless telecommunication facility shall be placed on or near a ridgeline.
 - b. Residential Zones. No facility shall be located within a residential zone, including areas set aside for open space, parks or playgrounds.
 - c. Open Space. No facility shall be located within an open space zone or park.

Notwithstanding this subsection, wireless telecommunication facilities subject to the approval of a Tier 2 Wireless Telecommunication Facility Permit may be permitted in a prohibited location only if the applicant obtains a Tier 2 Wireless Telecommunication Facility Permit from the city council following a public hearing and recommendation from the communication and technology commission, and provides technically sufficient and conclusive proof that the proposed location is necessary for provision of wireless services to substantial areas of the city, that it is necessary to close a significant gap in the operator's coverage and that there are no less intrusive alternative means to close that significant gap

- D. Application content. Applications for the approval of a Tier 2 Wireless Telecommunication Facility Permit shall include, but are not necessarily limited to, an application fee and the following information, in addition to all other information required by the city pursuant to Chapter 17.60 of this title:

1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director;
2. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040;
3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application;
4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect;
5. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless facility complies with all applicable building codes;
6. Site Survey. For any new wireless facilities proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures within two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, oak trees, planters and other landscaping features;
7. Scaled visual simulations showing the proposed facility superimposed on photographs of the site and surroundings, to assist the commission in assessing the visual impacts of the proposed facility and its compliance with the provisions of this section;
8. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
9. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, in that it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules,

Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power";

10. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location in accordance with the location requirements of this Section 17.31.050;
11. For new facilities, the plans shall include (in plan view and elevations) a scaled depiction of the maximum permitted increase as authorized by Section 6409(a) of the 2012 Middle Class Tax Relief Act, using the proposed project as a baseline;
12. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the operator intended to serve the city. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two (2) years of submittal of the application. Applicants may not file, and the city shall not accept, applications that are not consistent with the master plan for a period of two (2) years from approval of a wireless facility permit unless: (i) the applicant demonstrates materially changed conditions which could not have been reasonably anticipated to justify the need for a personal wireless telecommunication facility site not shown on a master plan submitted to the city within the prior two (2) years or (ii) the applicant establishes before the commission that a new personal wireless telecommunication 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;
13. A siting analysis which identifies a minimum of five (5) other feasible locations within or without the city which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The alternative site analysis shall include at least one (1) collocation site;
14. A noise study, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators;
15. A written statement of the applicant's willingness to allow other carriers to collocate on the proposed personal wireless telecommunication facility

wherever technically and economically feasible and aesthetically desirable;
and

16. Such other information as the director shall establish from time to time pursuant to the Permit Streamlining Act, Government Code Section 65940, or to respond to changes in law or technology.
 17. An application for a personal wireless telecommunication facility in a public right-of-way for which the applicant claims entitlement under California Public Utilities Code Section 7901 shall be accompanied by evidence satisfactory to the director that the applicant is a telephone corporation or has written authorization to act as an agent for a telephone corporation.
- E. Application review. Applications for Tier 2 Wireless Telecommunication Facility Permits shall be first reviewed by the development review committee. All applications for Tier 2 Wireless Telecommunication Facility Permits will be scheduled for a public hearing before the commission in accordance with Section 17.31.050(I) and Chapter 17.78 of this Code. The commission shall determine if a proposed project for which a wireless facility permit is required is the least intrusive means to close a significant gap in the applicant's service coverage. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- F. Tier 2 Wireless telecommunication Facility Permit Findings. In addition to the findings required in Section 17.62.060 of this Code, no Tier 2 Wireless telecommunication Facility Permit may be approved unless the commission or council finds as follows:
1. 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.
 2. 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 Chapter 17.31 of the Calabasas Municipal Code.
 3. The facility satisfies the location requirements of Section 17.31.050(C)(2) of the Calabasas Municipal Code.
- G. Conditions of Approval. In addition to the conditions of approval in Section 17.31.020, all new wireless facilities subject to a Tier 2 Wireless Facility Permit shall be subject to the following condition(s):

1. A new wireless telecommunication facility approved by a Tier 2 Wireless Facility Permit may operate only until the tenth anniversary of the date it is first placed into service, unless that sunset date is extended by additional term(s) not to exceed ten (10) years pursuant to a wireless facility permit issued under this Section 17.12.050. There is no limit to the number of times the sunset date for a facility may be extended.

H. Denial without prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances:
 - a. The director cannot make all findings required for approval of a wireless facility minor modification permit;
 - b. The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety; or
 - c. The proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure.
2. Procedures For Denial Without Prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
 - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
 - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a wireless facility

permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

- I. Additional Notice to Neighbors. After an application for a Tier 2 Wireless Telecommunication Facility Permit is complete, the city shall endeavor to provide property owners at least thirty (30) days' prior notice of the initial public hearing on the matter as follows:

1. Written notice shall be mailed to the record owner of each property within one thousand five hundred (1,500) feet of the proposed site.

A public hearing may be set on less than thirty (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) and Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this section, adopted on December 17, 2014, and codified at 47 C.F.R. §§ 1.40001, et seq., as they now exist or may hereafter be amended.

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

17.31.060 – Wireless Telecommunication Facility Minor Modification Permit

Requirements for Personal Wireless Telecommunications Facilities Subject to a Wireless Facility Minor Modification Permit. This subsection governs applications for certain modifications to existing personal wireless telecommunications facilities, as specified.

- A. Purpose. This Section is intended to comply with the city's obligations under federal law, which provides that the city "may not deny, and shall approve any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." (47 U.S.C. § 1455, subd. (a)(1), adopted as Section 6409 of the Middle Class Tax Relief and Job Creation Act of 2012, Pub.L No. 112-96, 126 Stat. 156.) This Section creates a process for the city to review an application for a Wireless Facility Minor Modification Permit submitted by an applicant who asserts that a proposed collocation or modification to an existing wireless telecommunications facility is covered by this federal law and to determine whether the city must approve the proposed collocation or modification. The city's review of these applications is structured to comply with the requirements of Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations

implementing this federal law, adopted on December 17, 2014 and codified at 47 C.F.R. §§ 1.40001, et seq. Consistent with section 17.31.010(A)(5), this subsection is intended to promote the public's health, safety, and welfare, and shall be interpreted consistent with the federal Telecommunications Act of 1996 (Pub.L. No. 104-104, 110 Stat. 56), Title 47, United States Code, section 1455, and applicable Federal Communications Commission regulations and court decisions considering these laws and regulations.

- B. Applicability. An applicant seeking approval of a collocation or modification to an existing wireless telecommunication facility which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a Wireless Facility Minor Modification Permit, in addition to (ii) an encroachment permit from the public works department (if the required by applicable provisions of this Code), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Application content. All applications for a wireless facility minor modification permit must include the following items.
 - 1. Application Form. The city's standard application form, available on the city's website or from the community development department, as may be amended.
 - 2. Application Fee. An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - 3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application.
 - 4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.
 - a. A site plan and elevation drawings for the facility as existing and as proposed with all height and width measurements explicitly stated.
 - b. A depiction, with height and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - c. A depiction of all existing and proposed utility runs and points of contact.
 - d. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
 - e. For proposed collocations or modifications to wireless towers, the plans must include scaled plan views and all four (4) elevations that

depict the physical dimensions of the wireless tower as it existed on February 22, 2012, or as approved if constructed after February 22, 2012. For proposed collocations or modifications to base stations, the plans must include scaled plan views and all four (4) elevations that depict the physical dimensions of the base station as it existed on February 22, 2012, or as approved if constructed after February 22, 2012.

5. Visual Simulations. A visual analysis that includes (i) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view angle; (ii) a color and finished material palate for proposed screening materials; and (iii) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
6. Statement Asserting that Section 6409 Applies. A written statement asserting that the proposed collocation or modification is an "eligible facilities request" and does not result in a substantial change in the physical dimensions of the facility's wireless tower or base station, as defined by Section 6409, Title 47, United States Code, section 1455, and justifying that assertion. The written statement shall identify and discuss each required finding for approval of a wireless facility minor modification permit under Section 17.31.060(E) and explain the facts that justify the request for the director to make each finding.
7. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulations implementing this federal law.
8. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional Checklist for Determination Of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All

planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

9. **Structural Analysis.** A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed wireless telecommunications facility complies with all applicable building codes.
 10. **Noise Study.** A noise study, prepared, signed, and sealed by a California-licensed engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators; or a written statement signed and sealed by a California-licensed engineer indicating that the proposed modification(s) will not alter the existing noise levels or operational equipment which creates noise.
 11. **Other Permits.** An application for a wireless facility minor modification permit shall include all permit applications with all required application materials for each and every separate permit required by the city for the proposed collocation or modification to an existing personal wireless telecommunications facility, including a building permit, an encroachment permit (if applicable), and an electrical permit (if applicable).
 12. **Other Information.** Such other information as the city may require, as specified in publically available materials, including information required as stated on the city's website.
- D. **Application Review, Notice, and Hearing.** Each application for a wireless facility minor modification permit shall be reviewed by the director at a public hearing. Notice of the public hearing shall be provided in accord with Chapter 17.78, except that written notice shall be mailed to the record owner of each property within three hundred (300) feet of the site of the proposed modification. Under federal law, the city must approve or deny an application for a wireless facility minor modification permit, together with any other city permits required for a proposed wireless facility modification, within sixty (60) days after the applicant submits the application for a wireless facility minor modification permit, unless tolled due to issuance of any notice of incomplete filing or by mutual agreement between the city and the applicant. Under federal law, failure to act on a wireless facility minor modification permit application within the sixty-day review period, excluding tolling period, will result in the permit being deemed granted by operation of law. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.
- E. **Findings Required for Approval by Director at Public Hearing**

1. Facilities not located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower on private property only if each of the following findings can be made:
 - a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;
 - b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater;
 - c. The proposed collocation or modification does not increase the width of the facility by more than twenty (20) feet or the width of the tower at the level of the appurtenance, whichever is greater;
 - d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
 - e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access or utility easements;
 - f. The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).
2. Facilities located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing base station on private property only if each of the following findings can be made:
 - a. The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or not, that currently supports existing wireless transmission equipment;

- b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;
 - c. The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;
 - d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
 - e. The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access and utility easements;
 - f. The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and
 - g. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).
3. Base station located within the public right-of-way. The director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower or base station in the public right-of-way only if each of the following findings can be made:
- a. The applicant proposes a collocation or modification to either (i) a structure constructed and maintained with all necessary permits in good standing for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or (ii) a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities or not, that currently supports existing wireless transmission equipment;
 - b. The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;
 - c. The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;

- d. The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);
- e. The proposed collocation or modification does not involve either (i) the installation of any new equipment cabinets on the ground, if none already exist, or (ii) the installation of ground equipment cabinets that are more than ten (10) percent larger in height or overall volume than any existing ground cabinets;
- f. The proposed collocation or modification does not involve any excavation outside the area in proximity to the existing ground-mounted equipment in the public right-of-way;
- g. The proposed collocation or modification does not defeat any existing concealment elements of the existing structure; and
- h. The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).

F. Conditions of Approval for Wireless Facility Minor Modification Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all wireless facility minor modification permits under this subsection, whether approved by the director or deemed granted by the operation of law, shall include the following conditions of approval:

1. No Automatic Renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
2. Compliance with Previous Approvals. The grant or approval of a wireless facility minor modification permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by Section 6409, subdivision (a).
3. As-Built Plans. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire personal wireless telecommunications facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
4. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, 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 the wireless facility minor modification permit and the issuance of any permit or entitlement in connection therewith. The applicant 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.

5. Compliance with Applicable Laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
6. Compliance with Approved Plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
7. Violations. The facility shall be developed, maintained, and operated in full compliance with the conditions of the wireless facility minor modification 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 wireless facility minor modification 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.
8. 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 modification granted or deemed granted under a wireless facility minor modification permit, such permit shall automatically expire twelve (12) months from the date of that opinion.
9. The grant, deemed-grant or acceptance of wireless facility minor modification 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 wireless

facility minor modification permit issued pursuant to Title 47, United States Code, section 1455 or this Code.

G. Wireless Facility Minor Modification Permit Denial Without Prejudice.

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a wireless facility minor modification permit in any of the following circumstances;
 - a. The director cannot make all findings required for approval of a wireless facility minor modification permit;
 - b. The proposed collocation or modification would cause the violation of an objective, generally applicable law protecting public health or safety;
 - c. The proposed collocation or modification involves the removal and replacement of the facility's entire supporting structure; or
 - d. The proposed collocation modification does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
2. Procedures For Denial Without Prejudice. All wireless facility minor modification permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
3. Submittal After Denial Without Prejudice. After the director denies a wireless facility minor modification permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new wireless facility minor modification permit application for the same or substantially the same proposed collocation or modification;
 - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or modification; or
 - c. Submit an appeal of the director's decision.
4. Costs to Review a Denied Permit. The city shall be entitled to recover the reasonable costs for its review of any wireless facility minor modification permit application. In the event that the director denies a wireless facility minor modification permit application, the city shall return any unused deposit fees within sixty (60) days after a written

request from the applicant. An applicant shall not be allowed to submit a wireless facility permit application or submit a wireless facility minor modification permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

17.31.070 – Small Wireless Telecommunication Facility Permit

This subsection governs applications for small wireless facilities permits.

- A. Purpose. This Section is intended to comply with the city's obligations under 47 C.F.R. section 1.6001 et seq., which implements 47 U.S.C. sections 332(c)(7) and 1455. This subsection creates a process for the city to review an application for a small wireless facility permit submitted by an applicant who asserts that a proposed collocation of a small wireless facility using an existing structure or the deployment of a small wireless facility using a new structure, and the modifications of such small wireless facilities, is covered by federal law and to determine whether the city must approve the proposed collocation or deployment.
- B. Applicability. An applicant seeking approval of a collocation to an existing structure or a deployment to a new structure which the applicant contends is within the protection of Title 47, United States Code, section 1455 shall apply for the following at the same time: (i) a small wireless facility permit, (ii) an encroachment permit from the public works department (if required by applicable provisions of this Code), and (iii) any other permit required by applicable provisions of this Code including a building permit, an electrical permit, or an oak tree permit.
- C. Application content. All applications for a small wireless facility permit must include the following items:
 - 1. Application Forms. The city's standard application form, available on the city's website or from the community development department, as may be amended by the community development director.
 - 2. An application fee as established by the council by resolution under the authority of Section 17.60.040.
 - 3. Independent Consultant Deposit. An independent consultant fee deposit, if required by the council by resolution under the authority of Section 17.60.040, to reimburse the city for its costs to retain an independent consultant to review the technical aspects of the application.
 - 4. Site and Construction Plans. Complete and accurate plans, drawn to scale, signed, and sealed by a California-licensed engineer, land surveyor, and/or architect, which include the following items.

- a. A site plan and elevation drawings for the facility as existing and as proposed with all height, depth, and width measurements explicitly stated.
 - b. A depiction, with height, depth, and width measurements explicitly stated, of all existing and proposed transmission equipment.
 - c. A depiction of all existing and proposed utility runs and points of contact.
 - d. A depiction of the leased or licensed area of the site with all rights-of-way and easements for access and utilities labeled in plan view.
 - e. All four (4) elevations that depict the physical dimensions of the wireless tower or support structure and all transmission equipment, antennas and attachments.
 - f. A demolition plan.
5. Visual Simulations. A visual analysis that includes (i) scaled visual simulations that show unobstructed before-and-after construction daytime and clear-weather views from at least four (4) angles, together with a map that shows the location of each view angle; (ii) a color and finished material palette for proposed screening materials; and (iii) a photograph of a completed facility of the same design and in roughly the same setting as the proposed wireless communication facility.
6. Statement Asserting That 47 C.F.R. Section 1.6001 Et Seq. Applies. A written statement asserting that the proposed collocation or deployment qualifies as a "small wireless facility" as defined by the FCC in 47 C.F.R. section 1.6002.
7. Prior Permits. True and correct copies of all previously issued permits, including all required conditions of approval and a certification by the applicant that the proposal will not violate any previous permit or conditions of approval or why any violated permit or conditions does not prevent approval under Title 47, United States Code, section 1455 and the Federal Communications Commission's regulation implementing this federal law.
8. Affirmation of Radio Frequency Standards Compliance. An affirmation, under penalty of perjury, that the proposed installation will be FCC compliant, because it will not cause members of the general public to be exposed to RF levels that exceed the MPE levels deemed safe by the FCC. A copy of the fully completed FCC form "A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance: Appendix A" titled "Optional

Checklist for Determination of Whether a Facility is Categorically Excluded" for each frequency band of RF emissions to be transmitted from the proposed facility upon the approval of the application. All planned radio frequency emissions on all frequency bands must be shown on the Appendix A form(s) attached to the application. All planned radio frequency emissions are to be entered on each Appendix A form only in wattage units of "effective radiated power".

9. Structural Analysis. A structural analysis, prepared, signed, and sealed by a California-licensed engineer that assesses whether the proposed small wireless facility complies with all applicable building codes.
 10. Noise Study. A noise study or written statement, prepared by a qualified engineer, for the proposed personal wireless telecommunication facility including, but not limited to, equipment, such as air conditioning units and back-up generators. The noise study shall assess compliance with Section 17.31.030.
 11. Site Survey. For any new small wireless facility proposed to be located within the public right-of-way, the applicant shall submit a survey prepared, signed and stamped by a California licensed or registered engineer or surveyor. The survey shall identify and depict all existing boundaries, encroachments and other structures with two hundred fifty (250) feet from the proposed project site, which includes without limitation all: (i) traffic lanes; (ii) all private properties and property lines; (iii) above and below grade utilities and related structures and encroachments; (iv) fire hydrants, roadside call boxes and other public safety infrastructure; (v) streetlights, decorative poles, traffic signals and permanent signage; (vi) sidewalks, driveways, parkways, curbs, gutters and storm drains; (vii) benches, trash cans, mailboxes, kiosks, and other street furniture; and (viii) existing trees, oak trees, planters and other landscaping features.
 12. Other Permits. An application for a small wireless facility permit shall include all permit applications with all required application materials for each and every separate permit required by the city for the proposed collocation or deployment, including a building permit, an encroachment permit (if applicable) and an electrical permit (if applicable).
- D. Application review. Each application for a new or modified small wireless facility permit shall be reviewed by the director. The city must approve or deny an application for a small wireless facility permit, together with any other city permits required for a proposed small wireless facility, within sixty (60) days after the applicant submits an application to collocate a small wireless facility using an existing structure, and within ninety (90) days after the applicant submits an application to deploy a small wireless facility using a new structure. At the time an application is deemed complete, the director shall provide

written notice to all property owners within three hundred (300) feet of the site of a proposed small wireless facility.

Applicants may submit up to five (5) individual applications for a small wireless facility permit in a batch; provided, however, that small wireless facilities in a batch must be proposed with substantially the same equipment in the same configuration on the same support structure type. Each application in a batch must meet all the requirements for a complete application, which includes without limitation the application fee for each application in the batch. If any application in a batch is incomplete, the entire batch shall be deemed incomplete. If any application is withdrawn or deemed withdrawn from a batch, the entire batch shall be deemed withdrawn. If any application in a batch fails to meet the required findings for approval, the entire batch shall be denied. Any application that is determined to be incomplete, and is not subsequently modified to be complete in the judgment of the Director under applicable law within 30 days after the City's notification to the applicant that the application is incomplete, shall be deemed withdrawn.

- E. Tolling period. Unless a written agreement between the applicant and the city provides otherwise, the application is tolled when the city notifies the applicant within ten (10) days of the applicant's submission of the application that the application is materially incomplete and identifies the missing documents or information. The shot clock may again be tolled if the city provides notice within ten (10) days of the application's resubmittal that it is materially incomplete and identifies the missing documents or information. For an application to deploy small wireless facilities, if the city notifies the applicant on or before the tenth day after submission that the application is materially incomplete, and identifies the missing documents or information and the rule or regulation creating the obligation to submit such documents or information, the shot clock date calculation will restart at zero on the date the applicant submits a completed application.
- F. Standards Governing Approval by the Director. The director shall approve or deny an application to collocate a small wireless facility using an existing structure by evaluating the following standards in addition to the standards set forth in section 17.31.030:
 - 1. The existing structure was constructed and maintained with all necessary permits in good standing.
 - 2. The existing structure is fifty (50) feet or less in height, including any antennas, or the existing structure is no more than ten (10) percent taller than other adjacent structures.
 - 3. Each antenna associated with the deployment, excluding associated antenna equipment, is no more than three (3) cubic feet in volume.

4. All other wireless equipment associated with the structure, including the wireless equipment associated with the antenna and any pre-existing associated equipment serving the facility, is no more than twenty-eight (28) cubic feet in volume.
 5. The small wireless facilities do not extend the existing structure on which they are located to a height of more than fifty (50) feet or by more than ten (10) percent, whichever is greater.
 6. The small wireless facility does not require an antenna structure registration under part 47 C.F.R. section 17.1 et seq.
 7. The small wireless facility is not located on Tribal lands, as defined under 36 C.F.R. section 800.16(x).
 8. The proposed collocation is consistent with the allowed locations in Table 17.31.1 of Section 17.31.030.
 9. The proposed collocation is consistent with the design and development standards of subsection 17.31.030.
 10. The proposed collocation is consistent with the independent expert review provisions of subsection 17.31.030(C).
 11. The proposed collocation is consistent with the conditions of approval provisions of subsection 17.31.030.
 12. For collocations not located within the public right-of-way, the proposed collocation shall be consistent with the standards of subsection 17.31.030(A)(2).
 13. For collocation located within the public right-of-way, the proposed collocation shall be consistent with subsection 17.31.030(A)(1).
 14. The proposed collocation would be in the most preferred location and configuration within two hundred fifty (250) feet from the proposed site in any direction or the applicant has demonstrated with clear and convincing evidence in the written record that any more-preferred location or configuration within two hundred fifty (250) feet would be technically infeasible, applying the preference standards of this section.
 15. The proposed collocation is designed as a stealth facility, to the maximum feasible extent.
- G. Findings. 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;
 2. The proposed project would be in the most preferred location as identified in Section 17.31.050(C)(2) 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;

3. The proposed project complies with the standards for a small wireless facility as specified in Section 17.31.070(F)
 4. For proposed project not located within the public right-of-way, the proposed project complies with subsection 17.31.030(A)(2).
 5. For proposed projects located within the public right-of-way, the proposed project complies with subsection 17.31.030(A)(1).
 6. The proposed collocation is designed as a stealth facility, to the maximum feasible extent.
- H. Conditions of Approval for Small Wireless Facility Permits. In addition to any other conditions of approval permitted under federal and state law and this Code that the director deems appropriate or required under this Code, all small wireless facility permits under this subsection shall include the following conditions of approval:
1. No Automatic Renewal. The grant or approval of a small wireless facility permit shall not renew or extend the underlying permit term.
 2. 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.
 3. As-Built Plans. 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.
 4. 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.

5. Compliance with applicable laws. The applicant shall comply with all applicable provisions of this Code, any permit issued under this Code, and all other applicable federal, state, and local laws. Any failure by the city to enforce compliance with any applicable laws shall not relieve any applicant of its obligations under this Code, any permit issued under this Code, or all other applicable laws and regulations.
6. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
7. Violations. 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.
8. 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.
9. 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.

I. Small Wireless Facility Permit Denial Without Prejudice

1. Grounds for denial without prejudice. The director may deny without prejudice an application for a small wireless facility permit in any of the following circumstances:

- a. The director cannot make all findings required for approval of a small wireless facility permit;
 - b. The proposed collocation or deployment would cause the violation of an objective, generally applicable law protecting public health or safety;
 - c. The proposed collocation or deployment involves the removal and replacement of an existing facility's entire supporting structure; or
 - d. The proposed collocation or deployment does not qualify for mandatory approval under Title 47, United States Code, section 1455, as may be amended or superseded, and as may be interpreted by any order of the Federal Communications Commission or any court of competent jurisdiction.
2. Procedures for denial without prejudice. All small wireless facility permit application denials shall be in writing and shall include (i) the decision date; (ii) a statement that the city denies the permit without prejudice; (iii) a short and plain statement of the basis for the denial; and (iv) that the applicant may submit the same or substantially the same permit application in the future.
 3. Submittal after denial without prejudice. After the director denies a small wireless facility permit application, and subject to the generally applicable permit application submittal provisions in this chapter, an applicant shall be allowed to:
 - a. Submit a new small wireless facility permit application for the same or substantially the same proposed collocation or deployment;
 - b. Submit a new wireless facility permit application for the same or substantially the same proposed collocation or deployment; or
 - c. Submit an appeal of the director's decision.
 4. Costs to review a denied permit. The city shall be entitled to recover the reasonable costs for its review of any small wireless facility permit application. In the event that the director denies a small wireless facility permit application, the city shall return any unused deposit fees within sixty (60) days after a written request from the applicant. An applicant shall not be allowed to submit a small wireless facility permit application for the same or substantially the same proposed modification unless all costs for the previously denied permit application are paid in full.

17.31.080 - Communications and Technology Commission as Planning Commission for Specified Purposes.

For purposes of approvals required by this Chapter 17.31 and any other entitlement under this Code required only because the application seeks to construct or operate a personal wireless telecommunication facility (including, but not limited to, a scenic corridor permit, a variance, or an oak tree permit), "commission" means the Communications and Technology Commission created pursuant to Chapter 2.38 of this Code, which is hereby constituted as a Planning Commission of the City for that purpose pursuant to Government Code Section 65100. As to any application that seeks approvals for both (i) new structures, or uses of existing structures or of land other than construction and operation of a personal wireless telecommunication facility and (ii) for the construction and operation of a personal wireless telecommunication facility, the Communications and Technology Commission shall be the "commission" for purposes of approvals required only because the application seeks to construct and operate a personal wireless telecommunication facility. The Planning Commission created pursuant to Chapter 2.28 of this Code shall be the "commission" for all other entitlements sought by the application. In addition, the Communications and Technology commission shall be the "commission" for purposes of review of proposed amendments to this Chapter 17.31. Any appeal of a decision by the Director related to a permit application under this Chapter 17.31 shall be heard by the Communications and Technology Commission, subject to further appeal to the City Council, under the requirements of Chapter 17.74.

17.31.090 - Private Enforcement.

In addition to any other remedy available to the city under this Code, at law or in equity, violations of this Chapter 17.31 may be remedied as follows:

- A. 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.
- B. Private Enforcement. In addition to any other remedy available to the city under this Code, at law or in equity, violations of this Chapter 17.31 may be remedied as follows:
 1. 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.
 2. 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.
- C. A private enforcer shall provide a copy of his, her, or its action to the city attorney within seven days of filing it.

- D. Upon settlement of or entry of judgment in an action brought pursuant to paragraph (7) of this subsection (I), 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 be set aside upon motion of the city attorney or city prosecutor to a court of competent jurisdiction.
- E. Upon proof of a violation of this section, the court shall award the following:
1. Appropriate injunctive relief and damages in the amount of either:
 - a. Upon proof, actual damages;
 - b. With insufficient or no proof of damages, a minimum of five hundred dollars (\$500.00) 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.
 2. Restitution to the appropriate party or parties of gains obtained due to a violation of this section.
 3. 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.
 4. Attorney's fees and costs reasonably incurred by a successful party in prosecuting or defending an action.
- 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.
- F. 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.
- G. 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.

H. 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.

17.31.100 - 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 Chapter 17.31 shall be construed in light of the following definitions:

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

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

"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.

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

"Base station" means the equipment and non-tower supporting structure at a fixed location that enables Federal Communications Commission licensed or authorized wireless telecommunications between user equipment and a communications network.

"City" means the City of Calabasas and is further defined in Section 1.08.020 of this Code.

"Collocation" means the mounting or installation of additional wireless transmission equipment at an existing wireless facility.

"Commission" has the meaning set forth in paragraph (l) of this section.

"dBA" is defined in Chapter 17.90 of this title.

"Director" means the City of Calabasas Community Development Director or his or her designee.

"FCC" means the Federal Communications Commission or any successor to that agency.

"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 and the circumstances that prevented the applicant from conducting 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.

"Least intrusive means" means that the location or design of a personal wireless telecommunication 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 personal wireless telecommunication facility on the site, pole, tower, or other structure of an existing personal wireless telecommunication facility.

"Monopole" means a structure composed of a single spire, pole, or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm, and similar monopoles camouflaged to resemble faux objects attached on a monopole.

"MPE" means maximum permissible exposure.

"Non-tower supporting structure" means any structure, whether built for wireless communications purposes or not, that supports wireless transmission equipment under a valid permit at the time an applicant submits an application for a permit under this Code and which is not a wireless tower.

"OET" or "FCC OET" means the Office of Engineering and Technology of the Federal Communications Commission.

"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.

"Park" and "playground" shall have their ordinary, dictionary meanings.

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

"Personal wireless telecommunication 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 cellular phone service, personal communication service and paging service.

"Private enforcer" has the meaning provided in 17.31.090.

"Residential zone" means a zone created by Chapter 17.13 of this title.

"RF" means radio frequency.

"Significant gap" as applied to an applicant's personal communication service or the coverage of its personal wireless telecommunication 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 neither the Act nor case law construing it requires otherwise, the following guidelines shall be used to identify such a significant gap:

1. A significant gap may be demonstrated by in-kind call testing.
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 identity 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 vehicular traffic conditions, and (iii) whether calls could be successfully initiated, received and maintained in the area within which a significant gap is claimed.
3. A significant gap may be measured by:
 - a. The number of people affected by the asserted gap in service;
 - b. Whether a wireless communication facility is needed to merely improve weak signals or to fill a complete void in coverage;
 - c. Whether the asserted gap affects Highway 101, a state highway, or an arterial street which carries significant amounts of traffic.

"Small wireless facility" means a personal wireless telecommunication facility that also meets the definition of a small wireless facility by the FCC in 47 C.F.R. Section 1.6002, as may be amended or superseded.

"Stealth facility" means any personal wireless telecommunication facility which is designed to 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. All equipment shall be placed underground or pole mounted to the maximum extent feasible. All wires, cables, and any other connections shall be completely concealed from public view to the maximum extent feasible. Only non-functional, screening material equivalent in appearance to the existing, underlying building, light standard, or other structure may be visible.

"Tier 1 Wireless Telecommunication Facility Permit" means a permit issued under this chapter authorizing the installation, operation and maintenance of a

personal wireless telecommunications 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 Chapter.

"Tier 2 Wireless Telecommunication Facility Permit " means a permit issued under this chapter authorizing the installation, operation and maintenance of a personal wireless telecommunications 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 Chapter (including, but not limited to, those of Section 17.62.060 for a conditional use permit).

"Transmission equipment" or "wireless transmission equipment" means any equipment that facilitates transmission for any Federal Communications Commission licensed or authorized wireless communication service, including but not limited to, radio transceivers, antennas and other equipment associated with and necessary to their operation, including coaxial or fiber-optic cable, and regular and backup power supplies.

"Wireless" means any Federal Communications Commission licensed or authorized wireless telecommunications service.

"Wireless facility minor modification permit" means a permit issued under this chapter authorizing the modification of an existing personal wireless telecommunications facility. 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 Section 17.31.060.

"Wireless tower" or "telecommunications tower" mean any structure, including a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure, designed and constructed for the primary purpose of supporting any Federal Communications Commission licensed or authorized wireless telecommunications facility antennas and their associated facilities.



CITY of CALABASAS

WIRELESS FACILITY DESIGN GUIDELINES

ACKNOWLEDGEMENTS

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INTRODUCTION

The City's current Wireless Ordinance was adopted on March XX, 2021. The current ordinance establishes a tiered permit process for wireless facilities, categorizing facilities (both existing and proposed) that meet the definition of a 'Stealth Facility' as a Tier 1 Facility, subject to a streamlined permit process, and categorizing existing and proposed facilities that do not meet this definition as a Tier 2 facility. Additional information on the criteria that determines if a facility is Tier 1 can be found within these design guidelines, as well as examples from both within Calabasas and outside Calabasas of designs that would be considered a Tier 1 Facility.

INTENT

This document serves as a visual aide to supplement the requirements outlined in Chapter 17.31 of the Calabasas Municipal Code. As specified in Section 17.31.040, all Tier 1 Wireless Facilities located in the City of Calabasas must adhere to these guidelines to ensure the facility is designed as a Stealth Facility to the maximum extent feasible. These guidelines are designed to preserve the aesthetic quality of the City of Calabasas, and to protect the character of the community by minimizing adverse visual impacts of wireless telecommunication facilities, in accordance with the goals of the General Plan, while also addressing the clear need for upgrades to the City's existing wireless network to improve communications within the City. Each specific project is subject to review by staff, and acceptability is dependent upon siting, surrounding context, and compliance with the requirements of the ordinance. The requirements of the municipal code will ensure a degree of uniformity and consistency within the Tier 1 wireless telecommunications facility review process, and will provide direction to applicants and carriers in regard to the type of facilities that the City encourages, as well as to provide examples of the types of facilities that are not supported by the City.

REVIEW CRITERIA

The goals of the municipal code are to ensure aesthetically acceptable wireless telecommunications facility designs for Tier 1 facilities, to encourage the collocation of facilities, to minimize the visual impact on the surrounding area, and to create a guide outlining acceptable and preferred facility designs.

Criteria:

- 1) The proposal minimizes visual impact to the maximum extent feasible through considerate design, screening, and siting.
- 2) The proposal integrates with and/or is camouflaged by the existing color, design, massing, and/or architectural style of the surrounding context, whether a natural backdrop, building, utility/light pole, or existing facility, to the maximum extent feasible.
- 3) For sites located on private property, the proposal minimizes the removal or modification of any site landscaping or parking and provides appropriate replacement landscaping or parking if necessary.
- 4) The proposal complies with all requirements of the Calabasas Municipal Code.

STEALTH FACILITIES

Per Section 17.31.100 of the Calabasas Municipal Code, a ‘Stealth Facility’ is defined as any personal wireless telecommunication facility which is designed to 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. All equipment shall be placed underground to the maximum extent feasible. All wires, cables, and any other connections shall be completely concealed from public view to the maximum extent feasible. Only non-functional, screening material equivalent in appearance to the existing, underlying building, light standard, or other structure may be visible.

Additional information on both private property & Public Right-Of-Way facilities’ requirements to be considered a Tier 1 facility are expanded upon in greater detail in the below sections. Tier 1 wireless facilities, whether located on private property or within the Public Right-of-Way, must be designed as stealth facilities and must meet the review criteria identified above as well as all the requirements of the Calabasas Municipal Code. If the review criteria above cannot be met, the facility will then be considered a ‘Tier 2’ facility and must follow the requirements set forth in Section 17.31.050 of the Municipal Code. In all cases, facilities are subject to review by the appropriate City review authority.



Figure 1: Example of stealth facility in Calabasas, mounted to light pole in Public Right-of-Way.

(Image Source: City staff)

NON RIGHT-OF-WAY FACILITIES

Tier 1 facilities not located within the Public Right-of-Way shall be designed and constructed in a scale substantially in conformity with and/or architecturally integrated with surrounding building designs or natural settings, in order to minimize the adverse visual impact and to ensure the facility is compatible with the surrounding context in which it is located. Tier 1 facilities not within the right-of-way must have all equipment fully screened from public view. Examples of facilities located on private property include façade-mounted facilities, architectural elements/towers, and faux trees.

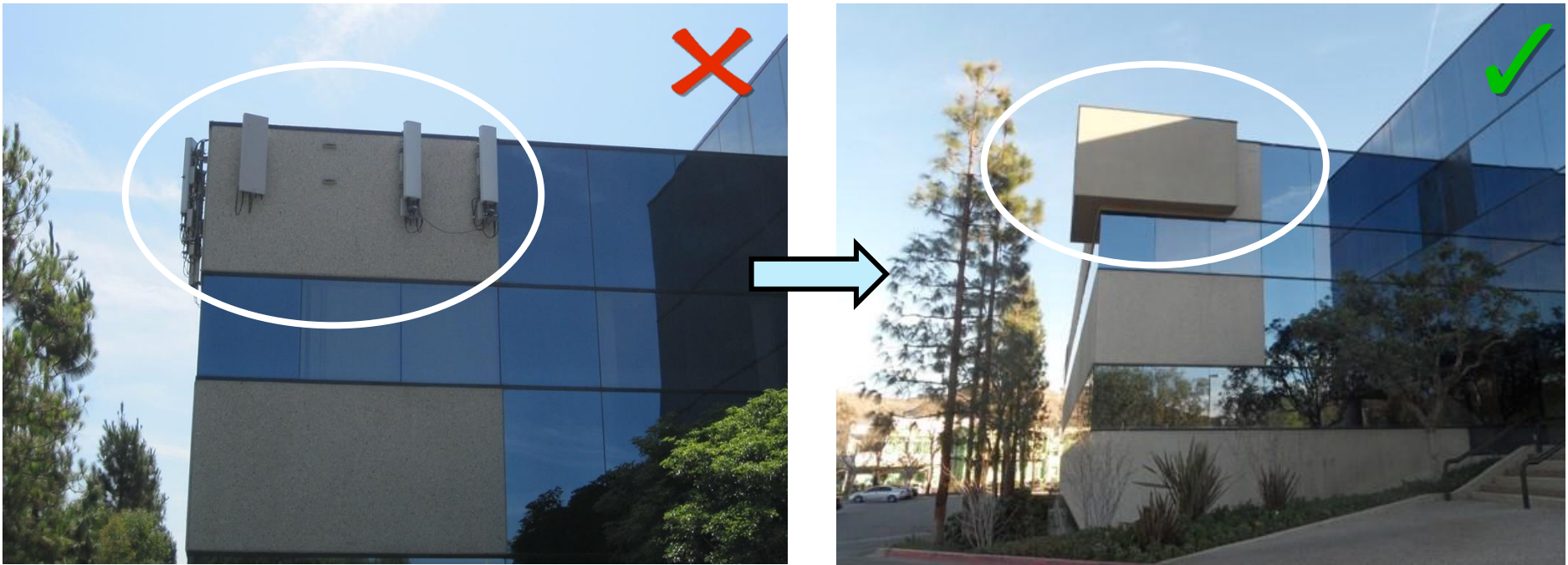
FAÇADE-MOUNTED FACILITIES

Façade mounted facilities are facilities which include antennas mounted, attached, or affixed to any façade of a building. Successful stealth façade-mounted facilities shall have all antennas and equipment screened from public view, through the use of fiberglass panels or other elements that blend in with the existing façade. The examples below illustrate successful and unsuccessful façade-mounted facility designs.



Figures 2 & 3: Before-and-after images showing successful faux façade element constructed out of fiberglass to screen existing antennas.

(Image Sources: Google Streetview)



Figures 4 & 5: Before-and-after image showing successful faux façade element constructed out of fiberglass to screen existing antennas.

(Image Sources: City Staff)



Figure 6: Unsuccessful example outside Calabasas; antennas are painted to match building elements but are not fully screened/camouflaged. Would not be considered a stealth facility.

(Image Source: TLF)



Figure 7: Successful example in Calabasas; faux roof tile element screening facility located on top of the building. Design closely matches surrounding tiles.

(Image Source: Google Streetview)

ARCHITECTURAL ELEMENTS AND TOWERS

Architectural elements/Tower facilities are stealth facilities enclosed entirely within a feature that is proposed to be fully integrated and architecturally compatible with the surrounding context at the site. These facilities include clock towers, bell towers, steeples, art in public places, or similar features. Successful facilities shall locate all antennas and equipment entirely within these features (not mounted to the outside), and the feature shall be compatible in size, scale, and architectural style with the structure it is mounted to as well as its surroundings.



Figure 8: Unsuccessful example outside Calabasas; antennas mounted on the facade of the tower feature rather than inside the feature, and the tower feature itself is not compatible in scale or design with surrounding context.

(Image Source: TLF)



Figure 9: Successful example outside Calabasas; all equipment concealed within feature and is architecturally compatible with existing roof.

(Image Source: TLF)

FAUX TREES

Faux trees are effectively a tower facility designed to closely and naturally resemble a tree. Design of these facilities should include an assessment of the appropriate tree species based on the surrounding area, shape, and size, as well as the quality and longevity of materials (branches & bark), color, and finish in consideration of the facilities' surroundings. Detailed specifications must be provided during plan review. Both tree design and placement (e.g., surrounding context) will be taken into consideration when reviewing faux tree facilities.



Figure 10: Unsuccessful example outside Calabasas; does not blend in with surroundings and poor tree design.

(Image Source: TLF)



Figure 11: Unsuccessful example outside Calabasas; tree design adequately screens antennas, but the facility does not blend in with surrounding environment.

(Image Source: City staff)



Figure 12: Unsuccessful example outside Calabasas; faux tree species is not compatible with surrounding trees, and equipment is not properly camouflaged—antennas still visible.

(Image Source: City staff)



Figure 13: Successful example in Calabasas; faux tree species is compatible with surroundings and antennas are properly camouflaged.

(Image Source: City staff)

POLE-MOUNTED FACILITIES

Pole-mounted facilities not located in the Right-of-Way can take many forms, but the most commonly observed are facilities mounted to light standards and flag poles. Design of these facilities should take into consideration the surrounding context to determine what type of pole-mounted facility design would be best suited for a particular location. All pole-mounted facilities shall be compatible in size, scale, and style with the surrounding area—especially for facilities located among other poles (multiple flag poles, light standards in a parking lot) the wireless facility shall be designed to be relatively consistent with other poles in the vicinity in order to be properly camouflaged. Facilities and associated pole shall be kept in good condition.



Figure 14: Unsuccessful example outside Calabasas; although facility is camouflaged, pole is not compatible in size (both height and diameter) or scale with surroundings.

(Image Source: TLF)



Figure 15: Successful example outside Calabasas; pole is compatible with surroundings in scale and design, and facility is properly camouflaged.

(Image Source: TLF)



Figure 16: Unsuccessful example outside Calabasas; facility not camouflaged, pole not compatible in size or scale with surroundings.

(Image Source: TLF)



Figure 17: Successful example outside Calabasas; all antennas contained within radome and ground mounted equipment is screened (see red arrow), compatible in scale with surroundings.

(Image Source: TLF)

PUBLIC AGENCY FACILITIES

Facilities located on public agency's properties include but aren't limited to: water tanks facilities, park facilities, and fire station facilities. Public agency facilities might also fall under previously mentioned categories (such as a flag pole in front of a fire station), but these facilities can also include collocated facilities around a water tank or a standalone structure at a park. As with previously mentioned Non Public Right-of-Way facilities, all antennas and equipment must be screened from public view in order to be considered a Tier 1 facility, and must also be compatible with design and scale of surrounding area.



Figure 18: Unsuccessful example outside Calabasas; equipment not screened. For non Right-of-Way sites, all equipment shall be screened from view in order to be considered a Tier 1 facility.

(Image Source: TLF)



Figure 19: Successful rendering from project outside Calabasas; all equipment screened within faux water tank.

(Image Source: Inside Towers)



Figure 20: Unsuccessful example at a park outside Calabasas; equipment not fully screened, antennas still visible. Does not meet the classification of a stealth facility not located in the Right-of-Way.

(Image Source: TLF)



Figure 21: Successful example from facility at Calabasas High School; all equipment screened, and radome camouflaged to match pole.

(Image Source: City staff)

RIGHT-OF-WAY FACILITIES

Stealth facilities located within the Public Right-of-Way must be designed to minimize visual impact to the right-of-way to the maximum extent feasible. Tier 1 facilities located in the public right-of-way shall contain the minimum amount of pole-mounted equipment possible; a maximum of 6 cubic feet, a maximum of 1 piece of equipment mounted to the pole, and all antennas screened when feasible. When screening is not feasible, antennas must be a minimal size, unobtrusive, with concealed wiring, utilizing camouflage techniques such as paint for any visible equipment.

LIGHT STANDARDS



Figure 22: Unsuccessful example outside Calabasas; not concealed, wiring and antennas still visible.

(Image Source: TLF)



Figure 23: Successful example in Calabasas; equipment concealed within radome ground mounted equipment screened behind rock wall enclosure.

(Image Source: City staff)



Figure 24: Successful example outside Calabasas; equipment and antennas concealed.

(Image Source: City staff)



Figure 25: Successful example outside Calabasas; equipment and antennas concealed, no ground mounted equipment.

(Image Source: TLF)



Figure 26 Successful example outside Calabasas; minimal pole mounted equipment, no ground mounted equipment.

(Image Source: TLF)



Figure 27: Successful example outside Calabasas; equipment and antennas concealed, no ground mounted equipment.

(Image Source: City staff)

UTILITY POLES



Figure 28: Unsuccessful example from outside Calabasas; equipment/antennas not screened to the maximum extent feasible, visible wiring.

(Image Source: TLF)



Figure 29: Successful example from outside Calabasas; all equipment and antennas concealed and painted to match pole.

(Image Source: City staff)



Figure 30: Unsuccessful example outside Calabasas; equipment and visible antennas too large, and not painted to match pole.

(Image Source: City staff)



Figure 31: Unsuccessful example outside Calabasas; antennas and ground mounted equipment are not camouflaged through use of paint to match pole.

(Image Source: TLF)



Figure 32: Successful example outside Calabasas; equipment is minimal, and painted to match pole.

(Image Source: City staff)



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: MARCH 30, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

**FROM: MAUREEN TAMURI AIA, AICP
COMMUNITY DEVELOPMENT DIRECTOR**

**SUBJECT: ADOPTION OF RESOLUTION 2021-1724 OF THE CITY COUNCIL OF
THE CITY OF CALABASAS, CALIFORNIA, TO RECORD A NUISANCE
ABATEMENT LIEN AGAINST REAL PROPERTY LOCATED AT 22534
CALIPATRIA DRIVE, CALABASAS**

**MEETING
DATE: APRIL 14, 2021**

SUMMARY RECOMMENDATION:

That the City Council Adopt Resolution 2021-1724 of the City Council of the City of Calabasas, California, to record a nuisance abatement lien against real property located at 22534 Calipatria Drive, Calabasas.

BACKGROUND:

The private home at 22534 Calipatria Street is currently an abandoned property. The City has previously addressed nuisance conditions at this site on three occasions. The violations were related to the following: several abandoned vehicles; the accumulation of junk, trash and debris; overgrown vegetation; dead trees, lack of maintenance of the structures on the property, and insect infestation. The first case in 1995 concluded when the property owner voluntarily abated the nuisance conditions. In January of 2006, in response to new complaints as well as the issuance of a LACFD citation related to fire hazards and overgrown vegetation, the City abated the immediate fire hazards at the property. Under Resolution 2006-1059, a lien was placed against the property for the City's costs to abate the

unsafe fire conditions in the amount of \$11,090.57 (Subsequent to the initial lien, on February 6, 2008, due to a change in case law, the lien was reduced by the City Council to \$5,337.38). After the 2006 abatement efforts, staff did not receive complaints regarding the property until April 2019.

In 2019 the new investigative efforts revealed the property and the home had returned to being substantially in a hazardous and dilapidated state. Code enforcement staff then obtained an abatement warrant on November 17th, 2020, to clear nuisances which had accumulated on site. The abatement efforts, which occurred during the period of November 19th, 2020 through November 24th, 2020, were conducted by the City's contractor, Newbury Park Tree Service, along with City staff and waste removal services provided by Waste Management.

On March 17th, 2021, a hearing was conducted by the City Manager pursuant to CMC 8.20.160 to determine if the report of Abatement Costs submitted by staff were accurate and reasonable. At the hearing, the City Manager affirmed the City's Report of Abatement Costs, and issued his final report and determination to the City Council, which is attached as Exhibit B. The report recommends to the Council that a lien be placed on the property to recover the City nuisance abatement costs as was previously accomplished in 2006.

FISCAL IMPACT/SOURCE OF FUNDING:

The City Prosecutor has filed a lawsuit against the property owner asking the Court to declare the structure a public nuisance, and appoint a receiver for the property. If the Court grants the City's request, a Receiver will be appointed to determine the disposition of the property (sale or demolition) to abate the nuisance. It is anticipated that the court can render a decision by early summer.

The total cost to the City for the nuisance abatement was \$43,078.49, and are further specified in Exhibit C. If this new lien is approved, this will bring the total amount of City liens filed against the property to \$54,169.06.

REQUESTED ACTION:

That the City Council Adopt Resolution 2021-1724 of the City Council of the City of Calabasas, California, to record a nuisance abatement lien against real property located at 22534 Calipatria Drive, Calabasas.

ATTACHMENTS:

- EXHIBIT A: Resolution 2021-1724
- EXHIBIT B: March 30, 2021 Report to City Council for
Collection of Unpaid Abatement Costs
Concerning Real Property Located at 22534
Calipatria Drive, Calabasas, and
Authorization to the City Manager to Record
a Lien
- EXHIBIT C: February 24, 2021 Notice of Hearing Before
the City Manager RE: Nuisance Abatement
Costs

**ITEM 3 ATTACHMENT A
RESOLUTION NO. 2021-1724**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CALABASAS, CALIFORNIA TO RECORD A NUISANCE
ABATEMENT LIEN AGAINST REAL PROPERTY LOCATED AT
22534 CALIPATRIA DRIVE, CALABASAS.**

WHEREAS, the City Council of the City of Calabasas finds that Harry Alfred White Jr., a/k/a Harry A. White is the owner of real property located 22534 Calipatria Drive, Calabasas, which is further identified by Los Angeles County Assessor Parcel No. 2080-010-012. The legal description for this property is set forth in Exhibit A to this resolution. The owner's address, according to Los Angeles County Assessor records, is 22534 Calipatria Drive, Calabasas, CA 91302-5812. Additional addresses for Harry Alfred White Jr., a/k/a Harry A. White are set forth in Exhibit B to this resolution.

WHEREAS, the City Council of the City of Calabasas has considered a City Manager Report dated March 29, 2021 (attached as Exhibit C) and finds that Harry Alfred White Jr., a/k/a Harry A. White is indebted to the City of Calabasas for abatement costs in the sum of \$43,078.49 that it incurred to abate a public nuisance at 22534 Calipatria Drive, Calabasas between November 19 and 24, 2020, in accordance with provisions in Chapter 8.20 [Public Nuisance and Abatement] of the Calabasas Municipal Code (hereafter, the "CMC") and pursuant to a November 17, 2020 Abatement Warrant from the Los Angeles County Superior Court. Those costs became final on March 17, 2021.

WHEREAS, the Los Angeles County Superior Court's November 17, 2020 Abatement Warrant constitutes an abatement order of that date.

WHEREAS, the City Council of the City of Calabasas finds that Harry Alfred White Jr., a/k/a Harry A. White has not paid abatement costs of \$43,078.49 to the City of Calabasas as of the date of adoption of this resolution.

WHEREAS, the City of Calabasas may record a Nuisance Abatement Lien against real property located 22534 Calipatria Drive, Calabasas, pursuant to Government Code Section 38773.1 and CMC Section 8.20.160.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CALABASAS AS FOLLOWS:

SECTION 1. The unpaid abatement costs of \$43,078.49 constitute a personal obligation of Harry Alfred White Jr., a/k/a Harry A. White.

SECTION 2. The City Council hereby approves and authorizes the City Manager, or his designee, to serve a Notice of Nuisance Abatement Lien for the amount of \$43,078.49 upon Harry Alfred White Jr., a/k/a Harry A. White in accordance with Government Code Section 38773.1 and pursuant to provisions in CMC Section 8.20.170. Upon completion of service, the City Manager, or his designee, shall cause a certified copy of this resolution to be submitted to the Los Angeles County Registrar-Recorder for recordation. The date of recording of the lien shall have the force, effect, and priority of a judgment lien.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 14th day of April 2021.

James R. Bozajian, Mayor

ATTEST:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CALABASAS, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 125 OF TRACT NO. 29150, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 739, PAGES 57](#) TO 76 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING HEREUNDER ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SUCH PROPERTY, COMMUNITY SAVINGS AND LOAN ASSOCIATION (HEREIN REFERRED TO AS GRANTOR), ITS SUCCESSORS AND ASSIGNS, RETAINING THE EXCLUSIVE TITLE AND RIGHT TO REMOVE SAID SUBSTANCES, TOGETHER WITH THE SOLE RIGHT TO NEGOTIATE AND CONCLUDE LEASES AND AGREEMENTS WITH RESPECT TO ALL SUCH SUBSTANCES UNDER THE PROPERTY AND TO USE THOSE PORTIONS OF THE PROPERTY WHICH UNDERLIE A PLANE PARALLEL TO, AND 500 FEET BELOW THE PRESENT SURFACE OF THE PROPERTY FOR THE PURPOSE OF PROSPECTING FOR, DEVELOPING, STORING AND/OR EXTRACTING SUCH SUBSTANCES FROM THE PROPERTY, IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT TO ENTER UPON THE SURFACE OF THE PROPERTY OR TO USE THE PROPERTY OR ANY PORTION THEREOF ABOVE THE LEVEL OF THE AFORESAID PLANE, AS RESERVED IN THE DEED FROM COMMUNITY SAVINGS AND LOAN ASSOCIATION, RECORDED JUNE 25, 1970 AS [INSTRUMENT NO. 472, OFFICIAL RECORDS](#).

EXHIBIT B

Harry Alfred White Jr., a/k/a Harry A. White
1892 Maricopa Dr.
Laughlin, NV 89029-1213

Harry Alfred White Jr., a/k/a Harry A. White
2381 E. Allen Dr.
Fort Mojave, AZ 86426-6326

Harry Alfred White Jr., a/k/a Harry A. White
2196 E. Arizona Avenue
Fort Mojave, AZ 86426-5401



CITY of CALABASAS

March 17, 2021

Service by First Class Mail and Posting

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
22534 Calipatria Drive
Calabasas, CA 91302-5812

**NOTICE OF DECISION
RE: REPORT OF ABATEMENT COSTS**

Dear Mr. White:

I conducted a hearing (via Zoom) on March 17 at 11:00 a.m. to consider a February 22, 2021 Report of Abatement Costs concerning your real property at 22534 Calipatria Drive, Calabasas (“hereafter, the Property”), which is also identified as L.A. County APN: 2080-010-012. You did not appear for the hearing via Zoom or by telephone. Persons attending the hearing included Gabriel Endreola, Code Enforcement Officer/Building Inspector, Sparky Cohen, Building Official, Maureen Tamuri, Community Development Director, and Steven H. Rosenblit, Code Enforcement Attorney/Prosecutor.

I made the following findings/determinations after reviewing the Report of Abatement Costs and considering statements of the attendees:

1. Mr. Endreola caused you to be served with a Notice of Hearing Before The City Manager re: Nuisance Abatement Costs (with the Report of Abatement Costs as an enclosure) on February 24, 2021 by first class mail and posting at the Property.
2. The Community Development Department reports receiving no communications (including objections, whether written or by telephone) from you, or any person claiming to be your representative, concerning the Report of Abatement Costs.
3. The city’s abatement costs, as set forth in the Report of Abatement Costs, are accurate and reasonable.

I affirm the Report of Abatement Costs. My decision is final and is subject to judicial review in the manner specified in California Code of Civil Procedure Section 1094.5. Such a review is limited to the determination on the amount of the abatement costs.

Harry Alfred White Jr., a/k/a Harry A. White [Property Owner/Responsible Person]
Re: Notice of Decision Re: Report of Abatement Costs
22534 Calipatria Drive, Calabasas
March 17, 2021
Page 2

California Code of Civil Procedure Section 1094.6 governs the time within which judicial review of this decision may be sought.

If you do not tender abatement costs in the sum of \$43,078.49 to the Finance Department (located at Calabasas City Hall, 100 Civic Center Way, Calabasas, CA 91302) within five (5) days of the date of this notice, the city would undertake one or more actions that are set forth in Calabasas Municipal Code Section 8.20.160 E. to collect those costs.

Sincerely,



Kindon Meik, City Manager

Cc: **Service by First Class Mail**

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
1892 Maricopa Dr.
Laughlin, NV 89029-1213

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
2381 E. Allen Dr.
Fort Mojave, AZ 86426-6326

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
2196 E. Arizona Avenue
Fort Mojave, AZ 86426-5401

Officials Endreola, Cohen, and Tamuri



CITY *of* CALABASAS

February 24, 2021

Service by First Class Mail and Posting

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
22534 Calipatria Drive
Calabasas, CA 91302-5812

**NOTICE OF HEARING BEFORE THE CITY MANAGER
RE: NUISANCE ABATEMENT COSTS**

Dear Mr. White:

This notice is issued to you pursuant to Section 8.20.160 of the Calabasas Municipal Code and concerns your real property at 22534 Calipatria Drive, Calabasas, which is also identified as L.A. County APN: 2080-010-012. The legal description for the property is set forth in the Appendix.

PLEASE TAKE NOTICE THAT the City Manager shall conduct a hearing to determine if the City's nuisance abatement costs as stated in the attached Report of Abatement Costs (which includes: (i) invoices of Newbury Park Tree Service, Inc. and Waste Management; and, (ii) an accounting of Staff's Administrative Costs; and, (iii) an accounting of the City's Attorney Fees, are accurate and reasonable.

You have the right to appear at the hearing to object to the abatements costs. The City Manager may affirm, correct, or modify the Report of Abatement Costs in light of evidence before him.

The hearing shall be conducted over the Internet¹ using a software application called "Zoom". The date/time of the hearing are as follows: **March 17, 2021 at 11:00 a.m.** In order to attend the hearing using a computer or mobile device, please go to:
<https://us02web.zoom.us/j/88050811088?pwd=QUxCc2RiaVVpaXJNZmRJTGk1RHRDdz09>

You may alternatively appear at the hearing telephonically. To do so, please call 1-669-900-9128, 88050811088# on the above-stated date and time.

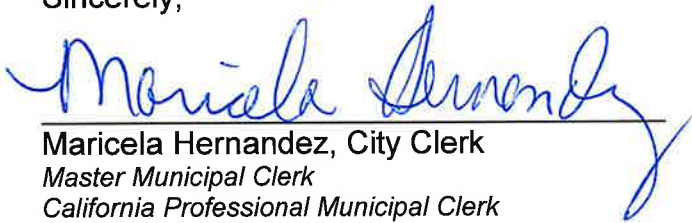
¹ City Hall is closed to the public due to COVID-19.

Harry Alfred White Jr., a/k/a Harry A. White [Property Owner/Responsible Person]
Re: Notice of Hearing Before the City Manager Re: Nuisance Abatement Costs
22534 Calipatria Drive, Calabasas
February 24, 2021
Page 2

PLEASE TAKE FURTHER NOTICE THAT the abatement costs may, if confirmed, be made a special assessment or a nuisance abatement lien against your property or the City may enforce the duty to pay those costs in any other manner provided by law.

PLEASE TAKE FURTHER NOTICE THAT the decision of the City Manager on the Report of Abatement Costs shall be final as to the City, but subject to judicial review in the manner specified in California Code of Civil Procedure Section 1094.5 and shall be limited to the determination on the amount of the abatement costs.

Sincerely,



Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

Service by First Class Mail

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
1892 Maricopa Dr.
Laughlin, NV 89029-1213

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
2381 E. Allen Dr.
Fort Mojave, AZ 86426-6326

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
2196 E. Arizona Avenue
Fort Mojave, AZ 86426-5401

c/ City Building Official, Sparky Cohen and Building Inspector, Gabe Endreola

Harry Alfred White Jr., a/k/a Harry A. White [Property Owner/Responsible Person]
Re: Notice of Hearing Before the City Manager Re: Nuisance Abatement Costs
22534 Calipatria Drive, Calabasas
February 24, 2021
Page 3

APPENDIX

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CALABASAS, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 125 OF TRACT NO. 29150, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 739, PAGES 57 TO 76 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING HEREUNDER ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SUCH PROPERTY, COMMUNITY SAVINGS AND LOAN ASSOCIATION (HEREIN REFERRED TO AS GRANTOR), ITS SUCCESSORS AND ASSIGNS, RETAINING THE EXCLUSIVE TITLE AND RIGHT TO REMOVE SAID SUBSTANCES, TOGETHER WITH THE SOLE RIGHT TO NEGOTIATE AND CONCLUDE LEASES AND AGREEMENTS WITH RESPECT TO ALL SUCH SUBSTANCES UNDER THE PROPERTY AND TO USE THOSE PORTIONS OF THE PROPERTY WHICH UNDERLIE A PLANE PARALLEL TO, AND 500 FEET BELOW THE PRESENT SURFACE OF THE PROPERTY FOR THE PURPOSE OF PROSPECTING FOR, DEVELOPING, STORING AND/OR EXTRACTING SUCH SUBSTANCES FROM THE PROPERTY, IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT TO ENTER UPON THE SURFACE OF THE PROPERTY OR TO USE THE PROPERTY OR ANY PORTION THEREOF ABOVE THE LEVEL OF THE AFORESAID PLANE, AS RESERVED IN THE DEED FROM COMMUNITY SAVINGS AND LOAN ASSOCIATION, RECORDED JUNE 25, 1970 AS INSTRUMENT NO. 472, OFFICIAL RECORDS.



CITY of CALABASAS

DECLARATION/AFFIDAVIT OF SERVICE

This declaration/affidavit concerns a Notice of Hearing Before the City Manager re: Nuisance Abatement Costs dated February 24, 2021 and a Report of Abatement Costs dated February 24, 2021, which includes: (i) invoices of Newbury Park Tree Service, Inc. and Waste Management; and, (ii) an accounting of Staff's Administrative Costs; and, (iii) an accounting of the City's Attorney Fees. The foregoing documents are hereafter collectively referred to as the "Notice and Report."

I placed the original Notice and Report, as well as true and correct copies thereof, in sealed envelopes and served them on Harry Alfred White Jr. a/k/a Harry A. White by first class mail (postage prepaid) by depositing them in a U.S. Postal Service Container (located at 4774 Park Granada Ste 10, Calabasas, CA 91302 on February 24, 2021 at 4:00 p.m. The envelopes were addressed were as follows:

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
22534 Calipatria Drive
Calabasas, CA 91302-5812

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
1892 Maricopa Dr.
Laughlin, NV 89029-1213

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
2381 E. Allen Dr.
Fort Mojave, AZ 86426-6326

Harry Alfred White Jr. a/k/a Harry A. White [Property Owner/Responsible Person]
2196 E. Arizona Avenue
Fort Mojave, AZ 86426-5401

On February 24, 2021 at 12:00 p.m., I posted a sealed envelope containing true and correct copies of the Notice and Report on the front door portion of the residence located at 22534 Calipatria Drive, Calabasas.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: February 24, 2021


Gabriel Endreda
Building Inspector/Code Enforcement Officer



CITY of CALABASAS

February 22, 2021

FROM: Maureen Tamuri, Community Development Director

TO: Maricela Hernandez, City Clerk

RE: Report of Abatement Costs (pursuant to CMC Section 8.20.150)
 Harry Alfred White Jr. a/k/a Harry A. White [Property Owner]
 22534 Calipatria Drive, Calabasas/L.A. County APN: 2080-010-012 ("Premises")

ABATEMENT ACTIONS: The City entered the Premises during the period of November 19, 2020 through November 24, 2020 pursuant to a November 17, 2020 Abatement Warrant that Judge Joseph Brandolino in Department NW F of the Los Angeles County Superior Court (Van Nuys Courthouse) issued. The City, by Newbury Park Tree Service, Inc. ("Newbury"), its agent, undertook the following nuisance abatement actions pursuant to the Abatement Warrant: (i) removed dead/hazardous trees, dead/overgrown vegetation/plant material (including overgrown portions of trees), dead pine needles, flammable vegetation and combustible growth; and, (ii) established defensible space around the residence; and, (iii) all other actions necessary to bring the Premises into compliance with the Calabasas Fire Code. Waste Management participated in the City's abatement actions by providing dumpsters for the removal and disposal of trees and vegetation/plant material.

The City's abatement costs in connection with the foregoing actions are as follows:

- | | | |
|----|--|-------------|
| 1. | Newbury's charges (see attached invoice) | \$23,602.50 |
| 2. | Waste Management's charges (see attached invoice) | \$ 1,542.65 |
| 3. | Staff's administrative costs (see attached accounting) | \$ 7,473.34 |
| 4. | Attorney fees (see attached accounting) | \$10,460.00 |

TOTAL ABATEMENT COSTS:	\$ 43,078.49
-------------------------------	---------------------

Maureen Tamuri, Community Development Director

**INVOICES OF NEWBURY TREE PARK
SERVICES, INC. AND WASTE MANAGEMENT**

Newbury Park Tree Service Inc.
 3595 Old Conejo Rd.
 Newbury Park, CA 91320 US
 (805)498-7841
 info@newburyparktree.com



Invoice 13283

BILL TO

Heather Melton
 City of Calabasas
 100 Civic Center Way
 Calabasas, Ca 91302

DATE
 11/25/2020

PLEASE PAY
 \$0.00

DUE DATE
 12/25/2020

PROJECT

22534 Calipatria

SALES REP

Dean Lappinga

PAYMENT TERMS

N30

SERVICE

QTY AMOUNT

For services pursuant to a 11/17/20 Abatement Warrant -
 22534 Calipatria, Calabasas

November 19, 2020 6,085.00

- 4 man crew - 4 hours
- 3 man crew - 5 hours
- 2 man crew - 5 hours
- 1 Arborist - 4 hours
- 1 Arborist - 5 hours
- 1 Tractor - 5 hours
- 1 Bucket - 5 hours
- 1 18" Chip+Dump - 9 hours

November 20, 2020 4,747.50

- 4 man crew - 8.5 hours
- 1 Arborist - 5 hours
- 1 Tractor - 8.5 hours
- 1 18" Chip+Dump - 8.5 hours

November 23, 2020 6,385.00

- 3 man crew - 9 hours
- 2 man crew - 9 hours
- 1 Arborist - 5 hours
- 1 Tractor - 9 hours
- 1 Bucket - 9 hours
- 1 18" Chip+Dump - 9 hours

November 24, 2020 6,385.00

- 3 man crew - 9 hours
- 2 man crew - 9 hours
- 1 Arborist - 5 hours
- 1 Tractor - 9 hours
- 1 Bucket - 9 hours
- 1 18" Chip+Dump - 9 hours

Please feel free to call, if you have any questions.
 Sincerely,

Dean A. Lappinga
 (ISA Certified Arborist LIC# WE-2336A)

Fax us at (805) 832-6449.

EXHIBIT C - RESOLUTION 2021-1724

PAID

PAYMENT 23,602.50

TOTAL DUE \$0.00

THANK YOU.

Fax us at (805) 832-6449.

EXHIBIT C - RESOLUTION 2021-1724



INVOICE

Customer ID:
Customer Name:
Service Period:
Invoice Date:
Invoice Number:

24-11600-03001
CITY OF CALABASAS
12/16/20-12/31/20
01/04/2021
2974063-0283-8

How To Contact Us

Visit **wm.com**

To setup your online profile, sign up for paperless statements, manage your account, view holiday schedules, pay your invoice or schedule a pickup

Customer Service:
(805) 522-9400

Your Payment Is Due

Due Upon Receipt

If full payment of the invoiced amount is not received within your contractual terms, you may be charged a monthly late charge of 2.5% of the unpaid amount, with a minimum monthly charge of \$5, or such late charge allowed under applicable law, regulation or contract.

Your Total Due

\$1,542.65

Previous Balance	+	Payments	+	Adjustments	+	Current Invoice Charges	=	Total Account Balance Due
1,519.85		0.00		0.00		22.80		1,542.65

DETAILS OF SERVICE

Details for Service Location: **City Of Calabasas, 22534 Calipatria Dr, Calabasas CA 91302-5812** Customer ID: **24-11600-03001**

Description	Date	Ticket	Quantity	Amount
Late Payment Charge for 12/01/2020 Invoice 2967952	12/1/20			22.80
Total Current Charges				22.80

APPROVED _____
 DATE 1/12/21
 ACCT# 10-410-5252-14
 DESCRIPT: Calipatria Cleanup
 AMOUNT 1,542.65

----- Please detach and send the lower portion with payment ----- (no cash or staples) -----



G.I. INDUSTRIES
WWW.KEEPINGVENTURACOUNTYCLEAN.COM
PO BOX 4353D
PHOENIX, AZ 85080
(805) 522-9400
(800) 675-1171
(805) 581-5407 FAX

Invoice Date	Invoice Number	Customer ID <i>(Include with your payment)</i>
01/04/2021	2974063-0283-8	24-11600-03001
Payment Terms	Total Due	Amount
Due Upon Receipt	\$1,542.65	



0283000241160003001029740630000000228000000154265 0

0033638 01 AB 0.416 **AUTO T6 0 7006 91302-411200 -C04-P33671-11
CITY OF CALABASAS
100 CIVIC CENTER WAY
ATTN ROBERT YALDA
CALABASAS CA 91302-4112

10283057



Remit To:

WM CORPORATE SERVICES, INC.
AS PAYMENT AGENT
PO BOX 541065
LOS ANGELES, CA 90054-1065

THINK GREEN.

EXHIBIT C - RESOLUTION 2021-1724



500-0165915-0283-2

0033638-00000001-0044317

**ACCOUNTING OF STAFF'S
ADMINISTRATIVE COSTS**

Calipatria Staff Time Cost Recovery Accounting

Date	Service/Task Description	Amount	City Cost Per Hr	Hours
Sparky Cohen - Building Official				
11/19/2020	Monitor abatement actions at property			2
11/24/2020	Monitor abatement actions at property			2
11/25/2020	Monitor abatement actions at property			2
12/18/2020	Review and approve invoice statements of contractor and Waste Management for accuracy			1
				<u>Sum</u>
			\$121.53	7
	SC -Sum	\$850.71		
Gabe Endreola - Building Inspector/Code Enforcement Officer				
11/16/2020	Site Inspection with Jim Jordan.			3
11/17/2020	Secure Abatement Warrant from Court Includes travel and wait time and admin work thereafter			6
11/19/2020	Monitor abatement actions at property			8
11/20/2020	Monitor abatement actions at property			8
11/23/2020	Monitor abatement actions at property			8
11/24/2020	Monitor abatement actions at property			8
11/25/2020	Monitor abatement actions at property			8
12/1/2020	Return of Abatement Warrant to Court Includes travel and wait time and admin work thereafter			8
1/20/2021	Post and mail expected Hearing Notices Includes admin work after			2
				<u>Sum</u>
			80.01	59
	GE -Sum	\$4,720.59		
Maureen Tamuri - Community Development Director				
11/17/2020	Secure Abatement Warrant from Court Includes travel and wait times			4
				<u>Sum</u>
			145.51	4
	MT -Sum	\$582.04		
Jim Jordon - Director of Public Safety				
11/16/2020	Inspection of property			3
11/17/2020	Secure Abatement Warrant from Court Includes travel and wait times			4
				<u>Sum</u>
			122.12	7
	JJ - Sum	\$854.84		
Heather Melton - Landscape Manager				
11/19/2020				

Monitor delivery, placement, and removal of waste bins in the city right of way.

4
Sum
4

HM - Sum \$218.68

Louis Hernandez - Senior Public Works Inspector
11/19/2020 Monitor delivery, placement, and removal of waste bins in the city right of way.

4
Sum
4

LH - Sum \$246.48

Total Costs

\$7,473.34

ACCOUNTING OF ATTORNEY FEES

Timekeeper = All (Active Only)

Group By Staff Category

Client - Matter = White Re: Administrative Exterior

Time Entries

Dapeer, Rosenblit & Litvak, LLP

Date	Status	Approval	BillableType	Activity	Timekeeper	Start	Stop	Duration	Rate	Amount
City of Calabasas										
White Re: Administrative Exterior Nuisance Abatement Action										
10-15-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			1.000	200.00	200.00
				Review file; Draft email to Cohen re: site inspection.						
10-16-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.400	200.00	80.00
				Review Endreola photos; Draft email to Endreola re: status of residence (secured or not).						
10-19-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.800	200.00	160.00
				Review Tamuri email; Review codes; Draft reply.						
10-19-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.900	200.00	180.00
				Review Tamuri email; Review codes; Draft email to Tamuri.						
10-20-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.700	200.00	140.00
				Review Summers email; Review codes; Draft reply to Summers.						
10-20-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.100	200.00	20.00
				Review Cohen email; Draft reply.						
10-20-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			2.400	200.00	480.00
				Review Tamuri email; Email to Summers; Conference with Cohen; Zoom conference with Cohen, Endreola and Jordan.						
10-20-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			1.500	200.00	300.00
				Review Summers email; Review codes; Draft reply.						
10-22-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			6.400	200.00	1,280.00
				Review Endreola photos and email; Review file; Review county and state codes; Review CalFire, LACFD and National Weather Service websites; Draft Jordan declaration; Prepare exhibits; Email to Jordan.						
10-29-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			1.100	200.00	220.00
				Review Jordan email; Revise declaration; Email to Jordan.						
10-30-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.700	200.00	140.00
				Review Jordan email and comments to declaration; Revise Jordan declaration; Email to Jordan.						
11-04-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.900	200.00	180.00
				Review file; Draft Endreola Declaration. [Work-in-Progress]						
11-08-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			3.700	200.00	740.00
				Review file and codes; Continue drafting Endreola declaration; Prepare Endreola exhibits to declaration; Draft Tamuri Declaration; Revise Jordan declaration; Draft email to city officials.						
11-09-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.500	200.00	100.00
				Revise Endreola declaration; Draft email to Endreola. [Work-in-Progress]						
11-09-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			0.200	200.00	40.00
				Review city emails re: preferred warrant inspection date/time; Draft reply to Cohen, Tamuri and Jordan.						
11-11-2020	Billed		Billable	Admin Proceedings	Rosenblit, Steven			2.400	200.00	480.00

EXHIBIT C - RESOLUTION 2021-1724

EXHIBIT C - RESOLUTION 2021-1724

Date	Status	Billable	Category	Attorney	Hours	Rate	Amount
11-12-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	3.800	200.00	760.00
11-17-2020	Billed	Billable	Code Enf/Criminal	Rosenblit, Steven	0.500	200.00	100.00
11-24-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	1.000	200.00	200.00
11-24-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	0.100	200.00	20.00
11-25-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	0.700	200.00	140.00
12-09-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	3.200	200.00	640.00
12-14-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	1.000	200.00	200.00
12-18-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	1.300	200.00	260.00
12-22-2020	Billed	Billable	Admin Proceedings	Rosenblit, Steven	1.300	200.00	260.00
01-11-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.200	200.00	40.00
01-13-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.200	200.00	40.00
01-14-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	1.900	200.00	380.00
01-19-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.100	200.00	20.00
01-19-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.300	200.00	60.00
01-20-2021	Approved	Billable	Code Enf/Criminal	Rosenblit, Steven	0.400	200.00	80.00
01-25-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.200	200.00	40.00
01-31-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.300	200.00	60.00

02-03-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.100	200.00	20.00
	Call to and conference with Endreola re: Post Summary Administrative Review Hearing.						
02-03-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	1.000	200.00	200.00
	Review file; Draft email with attachments to city officials re: Post-Summary Administrative Review Hearing.						
02-04-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	1.200	200.00	240.00
	Prepare for Post-Summary Administrative Review Hearing.						
02-04-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.300	200.00	60.00
	Attend Zoom hearing re: Post-Summary Administrative Review Hearing.						
02-05-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	2.400	200.00	480.00
	Review file; Prepare draft of Administrative Review Hearing Decision; Email draft to Bartlett.						
02-08-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.200	200.00	40.00
	Review Endreola email; Call to and conference with Endreola.						
02-09-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	1.100	200.00	220.00
	Review Bartlett email; Review recording of hearing; Review file; ; Prepare revised draft of Administrative Review Hearing Decision; Email draft to Bartlett.						
02-09-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.500	200.00	100.00
	Review file; Draft email to Endreola re: Report of Abatement Costs.						
02-09-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	1.300	200.00	260.00
	Review administrative cost accounting; Conference with Cohen.						
02-10-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	1.100	200.00	220.00
	Review revised administrative cost accounting; Review codes; Draft revised revisions to accounting; Email to Cohen and Endreola.						
02-10-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	0.100	200.00	20.00
	Review Endreola reply re: revised administrative cost accounting; Email to Endreola.						
02-10-2021	Approved	Billable	Admin Proceedings	Rosenblit, Steven	2.800	200.00	560.00
	Review Newbury Park Tree Service and Waste Management invoices; Review and revise Report of Abatement Costs; Review codes; Prepare draft of Notice Hearing Before the City Manager; Email to Cohen and Endreola.						
				Matter Total	52.300		10,460.00
				Client Total	52.300		10,460.00
				Grand Total	52.300		10,460.00



CITY *of* CALABASAS

March 29, 2021

FROM: Kindon Miek, City Manager

TO: Calabasas City Council
Maricela Hernandez, City Clerk

Re: Report to City Council for Collection of Unpaid Abatement Costs
Concerning Real Property Located at 22534 Calipatria Drive, Calabasas

This report is submitted to the City Council for consideration pursuant to CMC Section 8.20.160 D.

Harry Alfred White Jr. a/k/a Harry A White is, according to records of the Community Development Department, and the Los Angeles County Assessor's Office, the owner of real property located at 22534 Calipatria Drive, Calabasas (hereafter, the "Property"). The Los Angeles County Assessor Parcel Number for the Property is 2080-010-012. The legal description for the Property is set forth in Exhibit A to this report. Los Angeles County Assessor records show a mailing address for Mr. White at the Property. The City Prosecutor's Office has identified additional mailing addresses for Mr. White, which are set forth in Exhibit B to this report.

On November 17, 2020 the City obtained an Abatement Warrant from the Los Angeles County Superior Court to enter the Property and abate a public nuisance (as described below) pursuant to Chapter 8.20 [Public Nuisance and Abatement of the CMC]. The Warrant constitutes an abatement order of that date. The City commenced nuisance abatement actions on November 19, 2020 and completed them on November 20, 2020.

On February 4, 2021 at 10:00 a.m., Planning Director Tom Bartlett conducted a Post-Summary Abatement Administrative Review Hearing pursuant to CMC Sections 8.20.140, 8.20.080 and 8.20.090. Mr. Bartlett conducted the hearing by Zoom. Mr. White was given notice of that hearing in writing on January 20, 2021. He, or his representative, did not attend the hearing by video or telephonically. Mr. Bartlett found that a public nuisance was present on the Property on October 29, 2020 (and prior thereto) in the form of dead/hazardous trees, dead/overgrown vegetation/plant material (including overgrown portions of trees), dead pine needles, flammable vegetation and combustible growth (collectively the "Prohibited Vegetation"), as well as due to a lack of defensible space around the residence in violation of the Calabasas Fire Code and subparts of CMC Section 8.20.040, and that the Prohibited

Vegetation constituted a serious and imminent danger that required the City to immediately undertake summary abatement actions.

Mr. Bartlett confirmed the City's nuisance abatement actions were proper, undertaken with good cause, and necessary and that they brought the Property into compliance with the Calabasas Fire Code. Mr. Bartlett issued a written decision on February 9, 2020, which was served upon Mr. White.

The City Clerk caused Mr. White to be served with a Notice of Hearing before the City Manager Re: Nuisance Abatement Costs (hereafter, the "Notice") on February 24, 2021 pursuant to CMC Section 8.20.160 A. and B. The Notice, which set a Zoom hearing date and time of March 17, 2021 at 11:00 a.m., included a Report of Abatement Costs that recites a total amount in the sum of \$43,078.49. That report includes invoices and accountings that itemize the abatement costs. The Notice and Report of Abatement Costs accompany this report.

On March 17, 2021 at 11:00 a.m., I conducted the Zoom hearing Re: Nuisance Abatement Costs pursuant to CMC Section 8.20.160 C. Mr. White did not attend the hearing by video or telephonically. I determined the City's abatement costs of \$43,078.49 are accurate and reasonable. I affirmed the Report of Abatement Costs. I issued a Notice of Decision Re: Report of Abatement Costs, which was served on Mr. White. My decision is final pursuant to CMC Section 8.20.160 C. A copy of my Notice of Decision Re: Report of Abatement Costs is attached hereto. Mr. White has not paid those costs as of the date of this report.

CMC Section 8.20.160 E. provides the City may take one or more actions to collect abatement costs if they are not paid within five days of becoming final. Those actions are summarized as follows: (i) filing a lawsuit against a responsible person in the small claims division (that has limited jurisdiction) of the Los Angeles County Superior Court, which is not viable in this instance due to the amount of unpaid costs; and/or, (ii) filing a lawsuit against a responsible person in the Los Angeles County Superior Court (which has unlimited jurisdiction); and/or, (iii) recording a lien against a property pursuant to court judgment; and/or (iv) causing a nuisance abatement lien to be recorded against a property pursuant to CA Government Code Section 38773.1 and Section 8.20.160; or, (v) causing a special assessment to be made against a parcel pursuant to CA Government Code Section 38773.5.

I recommend the City Council adopt a resolution to record a nuisance abatement lien against the Property in accordance with Government Code Section 38773.1 and CMC Section 8.20.160 and that the City Council authorize me, or my designee, to complete the actions set forth in CMC Section 8.20.170 [Nuisance Abatement Lien-Recordation and Collection] for that purpose, which is a prerequisite for recording a lien. A draft of a proposed resolution accompanies this report.

Kindon Meik, City Manager

Date

EXHIBIT A
LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CHALABAMA, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOT 122 OF TRACT NO. 29132, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 730, PAGE 67](#) TO 76 INCLUSIVE OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING HEREBY ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SUCH PROPERTY, COMMUNITY SAVINGS AND LOAN ASSOCIATION (HEREIN REFERRED TO AS GRANTOR), ITS SUCCESSORS AND ASSIGNS, RETAINING THE EXCLUSIVE TITLE AND RIGHT TO REMOVE SAID SUBSTANCES, TOGETHER WITH THE SOLE RIGHT TO NEGOTIATE AND CONCLUDE LEASES AND AGREEMENTS WITH RESPECT TO ALL SUCH SUBSTANCES UNDER THE PROPERTY AND TO USE THOSE PORTIONS OF THE PROPERTY WHICH UNDERLIE A PLANE PARALLEL TO, AND 900 FEET BELOW THE PRESENT SURFACE OF THE PROPERTY FOR THE PURPOSE OF PROSPECTING FOR, DEVELOPING, STORING AND/OR EXTRACTING SUCH SUBSTANCES FROM THE PROPERTY, IT BEING EXPRESSLY UNDERSTOOD AND AGREED THAT GRANTOR, ITS SUCCESSORS AND ASSIGNS, SHALL HAVE NO RIGHT TO ENTER UPON THE SURFACE OF THE PROPERTY OR TO USE THE PROPERTY OR ANY PORTION THEREOF ABOVE THE LEVEL OF THE AFORESAID PLANE AS RESERVED IN THE DEED FROM COMMUNITY SAVINGS AND LOAN ASSOCIATION, RECORDED JUNE 22, 1979 AS [INSTRUMENT NO. 571, OFFICIAL RECORD.](#)

EXHIBIT B


Harry Alfred White Jr., a/k/a Harry A. White
1892 Maricopa Dr.
Laughlin, NV 89029-1213

Harry Alfred White Jr., a/k/a Harry A. White
2381 E. Allen Dr.
Fort Mojave, AZ 86426-6326

Harry Alfred White Jr., a/k/a Harry A. White
2196 E. Arizona Avenue
Fort Mojave, AZ 86426-5401



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 1, 2021
TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: RON AHLERS, CHIEF FINANCIAL OFFICER 
SUBJECT: ADOPTION OF RESOLUTION NO. 2021-1728, APPROVING THE ANNUAL INVESTMENT POLICY FOR FISCAL YEAR 2020-21 AND RESCINDING RESOLUTION NO. 2019-1657
MEETING DATE: APRIL 14, 2021

SUMMARY RECOMMENDATION:

Staff recommends the City Council adopt Resolution NO. 2021-1728, approving the annual Investment Policy for fiscal year (FY) 2020-21 and rescinding resolution no. 2019-1657.

BACKGROUND:

California Government Code 53646 reads:

In the case of any other local agency, the treasurer or chief fiscal officer of the local agency may annually render to the legislative body of that local agency and any oversight committee of that local agency a statement of investment policy, which the legislative body of the local agency shall consider at a public meeting. Any change in the policy shall also be considered by the legislative body of the local agency at a public meeting.

Effective January 1, 1996, State law permits the City Council to annually review and adopt the City of Calabasas' (City) Investment Policy at a public meeting (California Government Code (CA GC) § 53646). The annual investment policy update ensures

consistency with respect to current laws and allows the City Council to review portfolio objectives. There are no changes to the Investment Policy.

DISCUSSION/ANALYSIS:

The City Treasurer is recommending the City Council adopt the Investment Policy for the City. No changes have been made since last year's adoption.

FISCAL IMPACT/SOURCE OF FUNDING:

None.

REQUESTED ACTION:

Adopt Resolution No. 2021-1728 approving the annual Investment Policy for FY 2020-21 and rescinding resolution no. 2019-1657.

ATTACHMENTS:

Resolution No. 2021-1728

Exhibit A INVESTMENT POLICY

**ITEM 4 ATTACHMENT
RESOLUTION NO. 2021-1728**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CALABASAS, CALIFORNIA, APPROVING THE ANNUAL
INVESTMENT POLICY FOR FISCAL YEAR 2020-21 AND
RESCINDING RESOLUTION NO. 2019-1657.**

WHEREAS, Municipal Code Section 2.16.020 (J) states that the City Treasurer, under the direction of the City Manager, shall invest surplus funds of the City in accordance with the provisions of Government Code Section 53600, et seq. and of the Investment Policy; and

WHEREAS, said Municipal Code Section and California Government Code Section 53646(a) requires the City to annually render to the City Council a statement of investment policy for consideration; and

WHEREAS, the City Treasurer has prepared an Investment Policy for City Council consideration as per attached Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Calabasas, California, as follows:

SECTION 1. The annual Investment Policy attached hereto as "Exhibit A" has been reviewed in a public meeting and is hereby adopted for fiscal year 2020-21.

SECTION 2. The City Council hereby delegates the duties of the City Treasurer to the Chief Financial Officer for a one year period as per State of California, Government Code Section 53607.

SECTION 3. City Council Resolution No. 2019-1657 is hereby rescinded.

SECTION 4. The City Clerk shall certify to the adoption and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 14th day of April 2021.

James R. Bozajian, Mayor

ATTEST:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney

Exhibit A: Investment Policy

EXHIBIT A TO
RESOLUTION NO. 2021-1728

**CITY OF CALABASAS
INVESTMENT POLICY**

PURPOSE:

- A. This investment policy is set forth by the City of Calabasas (City) for the following purposes:
1. To establish a clear understanding for the City Council (Council), City management, responsible employees and third parties of the objectives, policies and guidelines for the investment of the City of Calabasas' idle and surplus funds.
 2. To offer guidance to investment staff and any outside advisers on the investment of City funds.
 3. To establish a basis for evaluating investment results.
- B. The general purpose of this Investment Policy is to outline a philosophy and attitude which will guide the investment of City funds toward the desired investment goals. It is intended to be sufficiently specific to be meaningful, yet adequately flexible to be practical.

POLICY:

It is the policy of the City of Calabasas to invest public funds in a manner that will provide the highest investment return with maximum security while meeting the daily cash flow demands of the City and conforming to all State and local statutes governing the investment of public funds.

1.0 SCOPE:

This Investment Policy applies to all cash assets of the City of Calabasas. Cash held by the City shall be pooled in order to more effectively manage City cash resources. All pooled funds are accounted for in the City of Calabasas' Comprehensive Annual Financial Report and include: General Fund, Special Revenue Funds, Capital Projects Funds, Debt Service Funds, Enterprise Funds, Internal Service Funds, and Agency Funds.

2.0 PRUDENCE:

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing the overall portfolio. This standard states that investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

It is the City's full intent, at the time of purchase, to hold all investments until maturity to ensure the return of all invested principal dollars. However, it is realized that market prices of securities will vary depending on economic and interest rate conditions at any point in time. It is further recognized, that in a well-diversified investment portfolio, occasional measured losses are inevitable due to economic, bond market or individual security credit analysis. These occasional losses must be considered within the context of the overall investment program objectives and the resultant long term rate of return.

The City Treasurer and other individuals assigned to manage the investment portfolio, acting within the intent and scope of the investment policy and other written procedures and exercising due diligence, shall be relieved of personal responsibility and liability for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely manner and appropriate action is taken to control adverse developments.

3.0 OBJECTIVES:

The cash management system of the City of Calabasas is designed to accurately monitor and forecast expenditures and revenues, thus insuring the investment of monies to the fullest extent possible. The City strives to maintain the level of investment of idle funds as near to 100% as possible. Consistent with this factor, investments are made under the terms and conditions of Sections 53600-53683 of the Government Code of California. Criteria for selecting investments and the absolute order of priority shall be:

- 3.1 Safety. Safety of principal is the foremost objective of the investment program. Investments of the City of Calabasas shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio by mitigating the two types of risk: credit risk and market risk.
 - 3.1.1 Credit Risk. Credit risk is defined as the risk of loss due to failure of the issuer of a security. This risk shall be mitigated by investing in investment grade securities and by diversifying the investment portfolio so that the failure of any one issuer does not unduly harm the City's capital base and cash flow.
 - 3.1.2 Market Risk. Market risk is defined as market value fluctuations due to overall changes in the general level of interest rates. This risk shall be mitigated by limiting: the average maturity of the City's investment portfolio to three years, the maximum maturity of any one security to five years, structuring the portfolio based on historic and current cash flow analysis, eliminating the need to sell securities prior to maturity and avoiding the purchase of long term securities for the sole purpose of short term speculation.
- 3.2 Liquidity. The City's investment portfolio shall be structured in a manner which will provide funds from maturing securities and interest payments to meet anticipated cash flow demands.
- 3.3 Yield. The City of Calabasas' investment portfolio shall be designed with the objective of attaining a market rate of return throughout market and economic cycles, commensurate with the City's investment risk constraints and the cash flow characteristics of the portfolio.

4.0 STRUCTURE AND RESPONSIBILITY:

This section of the Investment Policy defines the overall structure of the investment management program.

- 4.1 Authority to manage the City of Calabasas' investment program is derived from the Government Code of California, Section 53600 *et seq.*, and the City of Calabasas Municipal Code.
 - 4.1.1 Responsibilities of the City Council. The City Council shall consider and adopt a written Investment Policy in accordance with Section 13 of this policy. As provided in this policy, the Council shall receive and review quarterly Investment Reports.
 - 4.1.2 Responsibilities of the City Manager. The City Manager is responsible for directing and supervising the City Treasurer. The City Manager is also responsible to keep the City Council fully advised of the investment portfolio and as to the financial condition of the City.
 - 4.1.3 Responsibilities of the City Treasurer. The City Treasurer is appointed by the City Manager and is subject to his/her direction and supervision. The City Treasurer is charged with responsibility for the conduct of all treasury functions, including the custody and investment of City funds and the development of procedures to implement this Investment Policy.

Under general direction of the City Manager, the City Treasurer shall have responsibility for all decisions and activities of the City's investment program. The City Treasurer shall be responsible for all transactions undertake and shall establish a system of controls to regulate the activities of subordinate officials.

5.0 AUTHORIZED FINANCIAL INSTITUTIONS AND BROKER/DEALERS:

The City Treasurer will maintain a list of financial institutions authorized to provide investment services. No public deposit shall be made except in a qualified public depository as established by State law. In addition, a list will also be maintained of approved security broker/dealers selected by creditworthiness who are authorized to provide investment services in the State of California. These may

include "primary" dealers or regional dealers. All financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the City Treasurer with the following:

1. Audited financial statements for the institutions three most recent fiscal years.
2. Completed financial institution or broker/dealer questionnaire.
3. A statement certifying that they have reviewed the City's Investment Policy and that all securities offered to the City shall comply fully with all provisions of the California Government Code and with this Investment Policy.

Selection of financial institutions and broker/dealers authorized to engage in transactions with the City shall be at the sole discretion of the City. An annual review of the financial condition of qualified bidders will be conducted by the City Treasurer.

6.0 AUTHORIZED AND SUITABLE INVESTMENTS:

All investments shall be made in accordance with Sections 53600 *et seq.*, of the Government Code of California. Within the context of limitations, the following investments are authorized, as further limited herein:

- 6.1 PERMITTED INVESTMENTS under this policy shall include:
 - 6.1.1 U.S. Treasury Bills, Notes and Bonds: provided that the stated final maturity of such security does not exceed five (5) years from the date of purchase.
 - 6.1.2 Federal Agency debentures and mortgage-backed securities with a final maturity not exceeding five (5) years from the date of purchase issued by the Government National Mortgage Association (GNMA).
 - 6.1.3 Federal Instrumentality (government sponsored enterprise) debentures, discount notes, bullets, callables and step-up securities, with a final maturity not exceeding five (5) years from the date of purchase, issued by the following only: Federal Home Loan Banks (FHLB), Federal

National Mortgage Association (FNMA), Federal Farm Credit Bureau (FFCB), Federal Home Loan Mortgage Corporation (FHLMC), Federal Agricultural Mortgage Corporation (FAMCA) and Student Loan Marketing Association (SLMA).

- 6.1.4 Time Certificates of Deposit, nationally or state-chartered banks; savings or federal associations; state or federal credit unions; or federally licensed or state licensed branches of foreign banks: Deposits should not exceed five-year maturity and shall be collateralized as specified in paragraph 6.3 of this policy or FDIC, NCUA or State insured up to \$250,000.
- 6.1.5 Negotiable Certificates of Deposit issued by nationally or state-chartered banks; savings or federal associations; state or federal credit unions; or federally licensed or state licensed branches of foreign banks. Purchases may not exceed 30% of the portfolio and final maturity may not exceed five (5) years from date of purchase.
- 6.1.6 Banker's Acceptances, Foreign/Domestic, with a minimum rating of "A1" by Standard & Poor's or "P1" by Moody's (prime) rating provided that the acceptances are eligible for purchase by the Federal Reserve System and the maturity does not exceed 180 days maturity or 40% of the total portfolio.
- 6.1.7 Commercial Paper: Short-term instruments with fixed coupons, fixed maturity and no call provisions issued by corporations organized and operating within the United States, with an "A1/P1" (prime) rating or better. Purchases may not exceed 270 days maturity or 25% of the portfolio.
- 6.1.8 Medium-term Corporate Notes of a maximum of five years until maturity issued by corporations organized and operating within the United States and rated in the rating category of "A-" or better of Moody's Investment Services, Inc. and Standard and Poor's Corporation. Purchases may not exceed 30% of the portfolio.
- 6.1.9 Repurchase Agreements with a maximum maturity of one year. Repurchase Agreements will only be with primary dealers of the Federal Reserve Bank of New York, and who have long-term debt rated in the

“AAA” or “AA” categories of Moody’s Investment Services, Inc. or Standard and Poor’s Corporation. Investments will be collateralized as specified in paragraph 6.3 of this Investment Policy.

- 6.1.10 Money Market Funds registered under the Investment Company Act of 1940 which (1) are “no-load” (meaning no commission or fee shall be charged on purchases or sales of shares); (2) have a constant daily net asset value per share of \$1.00; (3) invest only in the securities and obligations authorized in this investment policy and (4) have a rating of at least two of the following: AAAM by Standard and Poor’s, Aaa by Moody’s or AAA/V1+ by Fitch. The aggregate investment in money market funds shall not exceed 20% of the City’s total portfolio.
- 6.1.11 County Pooled Investment Funds in accordance with the laws and regulations governing those Funds and State law (GC 53684)
- 6.1.12 State of California pooled “Local Agency Investment Fund” in accordance with the laws and regulations governing those Funds and State law (GC 16429.1 et seq.).
- 6.1.13 Insured deposits: Deposits not exceeding \$250,000 shall be permitted only in those financial institutions that are active members of the Federal Deposit Insurance Corporation (FDIC) and provided that the final maturity does not exceed five (5) years from date of purchase.
- 6.1.14 The “Sweep” account for the overnight investment of idle funds shall be subject to this policy.
- 6.1.15 City of Calabasas bonds provided that the stated final maturity of such security does not exceed five (5) years from the date of purchase.
- 6.1.16 Registered state warrants, treasury notes or bonds of the State of California. Registered treasury notes or bonds from any of the remaining 49 States. The stated final maturity of such security shall not exceed five (5) years from the date of purchase. Rated in the rating category of “A-” or “A-1” or better of Moody’s Investment Services, Inc. and Standard and Poor’s Corporation.

- 6.1.17 Bonds, notes, warrants, or other indebtedness of any local government agency within California. The stated final maturity of such security shall not exceed five (5) years from the date of purchase. Rated in the rating category of "A-" or "A-1" or better of Moody's Investment Services and Standard and Poor's.
- 6.2 Securities may be sold at a loss in order to improve the risk or return characteristics of the portfolio, to prevent anticipated further erosion of principal or when trading for securities that result in an expected net economic gain to the City.

If securities owned by the City are downgraded by both Moody's and S&P to a level below the quality required by this Investment Policy, it shall be the City's policy to sell such securities promptly.

- 6.3 Collateralization. Investments in time certificates of deposit shall be fully insured for the entire term of the certificate by the Federal Deposit Insurance Corporation (FDIC). The FDIC limit has been established by the Congress at \$250,000.00. Investments in time certificates of deposit in excess of the limit shall be properly collateralized. Section 53652 of the California Government Code requires that the depository pledge securities with a market value of at least 10% in excess of the City's deposit as collateral in government securities, and 50% in excess of the deposit as collateral in mortgage pools. Section 53649 of the California Government Code specifies that the City Treasurer is responsible for entering into deposit contracts with each depository.

Investments in repurchase agreements must also be collateralized. In order to anticipate market changes and provide a level of security for all funds, the collateralization level will be 102% of market value of principal and accrued interest.

7.0 SAFEKEEPING AND CUSTODY:

All securities transactions entered into by the City of Calabasas shall be conducted on a delivery-versus-payment (DVP) basis. All securities will be held by a third-party custodian, which shall be a bank trust department, designated by the City Treasurer and evidenced by monthly custodial statements.

8.0 INTERNAL CONTROL:

The City Treasurer shall establish and maintain a system of appropriate internal controls to ensure compliance with policies and procedures. The controls are designed to prevent losses of public funds arising from fraud, error or imprudent actions by employees and officers of the City. The most important controls are: separation of duties, separation of transaction authority from accounting and bookkeeping, third-party custody of securities, delegation of authority, written confirmation of telephone transactions, documentation of transactions and strategies, and periodic review of controls.

9.0 ETHICS AND CONFLICTS OF INTEREST

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and investment officials shall disclose to the City Manager any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of the City, particularly with regard to the time of purchases and sales.

10.0 INTEREST EARNINGS:

All moneys earned and collected from investments authorized in this policy shall be allocated quarterly to various fund accounts based on the monthly cash balance in each fund as a percentage of the entire pooled portfolio.

11.0 REPORTING AND REVIEWS:

The City Treasurer shall review and render quarterly reports to the City Manager and City Council in compliance with California Government Code Section 53646(b). These reports will include the face amount of the cash investment, the classification of the investment, the name of the institution or entity, the rate of interest, the maturity date, the current market value and accrued interest due for all securities.

Additionally, the report will include the amount held by the City's deferred compensation administrator(s) and a statement of the portfolio's compliance with the City's investment policy and a statement denoting the City's ability to meet its expenditure requirements for the next six months.

12.0 LEGISLATIVE CHANGES:

Any State of California legislative action, that further restricts allowable maturities, investment types or percentage allocations, will be incorporated into the City of Calabasas Investment Policy and supersede any and all previous applicable language.

13.0 INVESTMENT POLICY ADOPTION:

The City of Calabasas Investment Policy shall be adopted by Resolution of the City Council on an annual basis. This Investment Policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and yield, and its relevance to current law and financial and economic trends. Any amendments to the policy shall be forwarded to City Council for approval.

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CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 5, 2021
TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: RON AHLERS, CHIEF FINANCIAL OFFICER *RA*
SUBJECT: INVESTMENT REPORTS FOR THE QUARTER ENDED SEPTEMBER 30, 2020, DECEMBER 31, 2020 AND MARCH 31, 2021
MEETING DATE: APRIL 14, 2021

SUMMARY RECOMMENDATION:

Staff recommends the City Council receive and file the investment reports for the quarters ended September 30, 2020, December 31, 2020 and March 31, 2021.

BACKGROUND:

The City's Investment Policy states:

The City Treasurer shall review and render quarterly reports to the City Manager and City Council in compliance with California Government Code Section 53646(b). These reports will include the face amount of the cash investment, the classification of the investment, the name of the institution or entity, the rate of interest, the maturity date, the current market value and accrued interest due for all securities.

California Government Code Section 53646 states:

(b) (1) The treasurer or chief fiscal officer may render a quarterly report to the chief executive officer, the internal auditor, and the legislative body of the local agency. The quarterly report shall be so submitted within 30 days following the end of the quarter covered by

the report. Except as provided in subdivisions (e) and (f), this report shall include the type of investment, issuer, date of maturity, par and dollar amount invested on all securities, investments and moneys held by the local agency, and shall additionally include a description of any of the local agency's funds, investments, or programs, that are under the management of contracted parties, including lending programs. With respect to all securities held by the local agency, and under management of any outside party that is not also a local agency or the State of California Local Agency Investment Fund, the report shall also include a current market value as of the date of the report, and shall include the source of this same valuation.

(2) The quarterly report shall state compliance of the portfolio to the statement of investment policy, or manner in which the portfolio is not in compliance.

(3) The quarterly report shall include a statement denoting the ability of the local agency to meet its pool's expenditure requirements for the next six months, or provide an explanation as to why sufficient money shall, or may, not be available.

Attached are the quarterly reports for the first quarter, second quarter and third quarter of this current fiscal year (FY) 2020-21.

DISCUSSION/ANALYSIS:

Cash Flow Declaration

Per State of California Government Code section 53646(b)(3) and Item 11.0 of the City of Calabasas Investment Policy, the City is required to have enough cash on hand to meet the City's cash flow demands for at least six (6) months. The City of Calabasas' investment portfolio has the ability to meet that demand.

Compliance Declaration

Per State of California Government Code section 53646(b)(2), the City of Calabasas' investment portfolio complies with the City's Investment Policy except for the quarterly reporting requirements to the City Council and the City Manager. With this report, the City Treasurer will commence with the quarterly reporting.

FISCAL IMPACT/SOURCE OF FUNDING:

None.

REQUESTED ACTION:

City Council receive and file the attached quarterly investment reports.

ATTACHMENTS:

1. QUARTER INVESTMENT REPORTS for SEPTEMBER 30, 2020, DECEMBER 31, 2020 and MARCH 31, 2021

CITY of CALABASAS
 QUARTERLY INVESTMENT REPORT
 September 30, 2020

Security	Bank or Corporate Name	CUSIP	Purchase Date	A Face Value	B Accrued Interest	C Premium/(Discount)	D=A+B+C Purchase Price	Interest Rate	Yield to Maturity	Maturity Date	Market Value	Accrued Interest
Cash	Bank of America ~ City Account			814,368.25			814,368.25				814,368.25	0.00
Cash	Bank of America ~ Tennis & Swim Account			842,258.06			842,258.06				842,258.06	0.00
Cash	Bank of America ~ Las Virgenese Parking Authority Account			44,490.41			44,490.41				44,490.41	0.00
Pool	California Local Agency Investment Fund (LAIF)			24,684,148.65			24,684,148.65	0.840 %	0.840 %		24,684,148.65	55,943.76
Cash	UBS Deposit Account			1,875,865.84			1,875,865.84				1,875,865.84	0.00
Cash	FNC Money Market Fund			605,073.41			605,073.41				605,073.41	0.00
CD	Citibank	17312Q2K4	12-10-2019	245,000.00	2,601.03	10,516.80	258,117.83	3.100 %	2.019 %	02-07-2024	268,490.60	1,123.64
CD	Morgan Stanley Bank	61690ULQ1	12-10-2019	245,000.00	798.43	(764.40)	245,034.03	1.950 %	2.018 %	10-10-2024	261,067.10	2,264.41
CD	Wells Fargo	949763L95	12-10-2019	245,000.00	316.49	353.34	245,669.83	2.050 %	2.019 %	10-17-2024	259,712.25	178.87
CD	Morgan Stanley Private Bank	61760A383	12-10-2019	245,000.00	255.07	(1,372.00)	243,883.07	1.900 %	2.019 %	11-20-2024	260,964.20	1,696.20
Corp	Bank of America	06048WF62	12-19-2019	500,000.00	187.50		500,187.50	2.250 %	2.422 %	12-13-2024	498,135.00	3,343.75
Corp	JP Morgan Chase	46625HKC3	03-23-2020	500,000.00	2,604.17	(12,850.00)	489,754.17	3.125 %	3.710 %	01-23-2025	545,430.00	2,908.00
Corp	Walt Disney	254687CZ7	03-23-2020	300,000.00	246.67	6,348.00	306,594.67	3.700 %	3.189 %	09-15-2024	332,172.00	462.51
Corp	Wells Fargo	95000U2B8	03-24-2020	400,000.00	1,808.33	(12,652.00)	389,156.33	2.625 %	4.061 %	07-22-2022	414,720.00	1,983.32
Corp	Wells Fargo	949746RS2	03-24-2020	500,000.00	694.44	(5,005.00)	495,689.44	2.500 %	3.586 %	03-04-2021	504,615.00	902.80
CD	American Express National Bank	02589AB27	03-24-2020	240,000.00			240,000.00	1.100 %	1.100 %	03-24-2025	248,215.20	43.39
CD	UBS Bank	90348JTH3	03-25-2020	240,000.00			240,000.00	1.250 %	1.250 %	03-25-2025	249,823.20	41.08
CD	BMW Bank	05580AVR2	03-26-2020	240,000.00			240,000.00	1.250 %	1.250 %	03-25-2025	249,828.00	32.88
CD	Live Oak Banking Company	538036LD4	03-31-2020	240,000.00			240,000.00	1.400 %	1.400 %	03-31-2025	251,460.00	266.95
CD	Merrick Bank	59013KGP5	03-31-2020	240,000.00			240,000.00	1.150 %	1.150 %	03-28-2024	252,108.00	0.00
CD	Celtic Bank	15118RUR6	04-02-2020	240,000.00			240,000.00	1.350 %	1.350 %	04-02-2025	250,927.20	248.54
Corp	American Honda Financial Corp	02665WDC2	03-25-2020	500,000.00	2,135.42	(16,445.00)	485,690.42	2.050 %	3.292 %	01-10-2023	516,320.00	2,277.80
Corp	SunTrust Bank	86787EAN7	03-31-2020	1,000,000.00	11,458.33	18,510.00	1,029,968.33	2.750 %	2.126 %	05-01-2023	1,054,650.00	11,381.90
CD	Discover Bank	254673A22	04-02-2020	245,000.00			245,000.00	1.550 %	1.550 %	04-02-2025	258,337.80	1,883.14
Corp	JP Morgan Chase	46625HHZ6	04-01-2020	350,000.00	6,340.10	9,915.50	366,255.60	4.625 %	2.025 %	05-10-2021	359,243.50	6,295.13
CD	Capital One National Association	14042RPG0	04-08-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-08-2025	258,928.25	1,879.44
CD	Capital One Bank (USA)	14042TDD6	04-08-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-08-2025	258,928.25	1,879.44
Corp	BP Capital Markets Americas	10373QAG5	04-02-2020	512,000.00	1,416.28	8,064.00	521,480.28	4.742 %	3.031 %	03-11-2021	521,758.72	5,899.91
Corp	Barclays Bank PLC	06747PKV0	04-08-2020	500,000.00			500,000.00	3.250 %	3.250 %	04-08-2025	524,120.00	7,763.89
Corp	Shell International	822582BP6	04-06-2020	500,000.00	4,562.50	(250.00)	504,312.50	2.250 %	2.333 %	11-10-2020	501,080.00	4,375.00
CD	State Bank of India	856285TF8	04-29-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-29-2025	259,075.25	1,653.92
				37,828,204.62	35,424.76	4,369.24	37,867,998.62				38,226,314.14	116,729.67

CITY of CALABASAS
 QUARTERLY INVESTMENT REPORT
 December 31, 2020

Security	Bank or Corporate Name	CUSIP	Purchase Date	A Face Value	B Accrued Interest	C Premium/(Discount)	D=A+B+C Purchase Price	Interest Rate	Yield to Maturity	Maturity Date	Market Value	Accrued Interest
Cash	Bank of America ~ City Account			6,748,757.12			6,748,757.12				6,748,757.12	0.00
Cash	Bank of America ~ Tennis & Swim Account			551,553.90			551,553.90				551,553.90	0.00
Cash	Bank of America ~ Las Virgenese Parking Authority Account			38,930.86			38,930.86				38,930.86	0.00
Pool	California Local Agency Investment Fund (LAIF)			19,740,092.41			19,740,092.41	0.630 %	0.630 %		19,740,092.41	34,887.22
Cash	UBS Deposit Account			1,518,620.78			1,518,620.78				1,518,620.78	0.00
Cash	FNC Money Market Fund			1,120,828.33			1,120,828.33				1,120,828.33	0.00
CD	Citibank	17312Q2K4	12-10-2019	245,000.00	2,601.03	10,516.80	258,117.83	3.100 %	2.019 %	02-07-2024	266,998.55	3,038.00
CD	Morgan Stanley Bank	61690ULQ1	12-10-2019	245,000.00	798.43	(764.40)	245,034.03	1.950 %	2.018 %	10-10-2024	260,437.45	1,073.29
CD	Wells Fargo	949763L95	12-10-2019	245,000.00	316.49	353.34	245,669.83	2.050 %	2.019 %	10-17-2024	259,535.85	192.64
CD	Morgan Stanley Private Bank	61760A383	12-10-2019	245,000.00	255.07	(1,372.00)	243,883.07	1.900 %	2.019 %	11-20-2024	260,295.35	522.87
Corp	JP Morgan Chase	46625HKC3	03-23-2020	500,000.00	2,604.17	(12,850.00)	489,754.17	3.125 %	3.710 %	01-23-2025	547,630.00	6,857.65
Corp	Walt Disney	254687CZ7	03-23-2020	300,000.00	246.67	6,348.00	306,594.67	3.700 %	3.189 %	09-15-2024	333,000.00	3,268.32
Corp	Wells Fargo	95000U2B8	03-24-2020	400,000.00	1,808.33	(12,652.00)	389,156.33	2.625 %	4.061 %	07-22-2022	414,048.00	4,637.48
Corp	Wells Fargo	949746RS2	03-24-2020	500,000.00	694.44	(5,005.00)	495,689.44	2.500 %	3.586 %	03-04-2021	501,690.00	4,062.50
CD	American Express National Bank	02589AB27	03-24-2020	240,000.00			240,000.00	1.100 %	1.100 %	03-24-2025	247,675.20	708.81
CD	UBS Bank	90348JTH3	03-25-2020	240,000.00			240,000.00	1.250 %	1.250 %	03-25-2025	249,199.20	49.32
CD	BMW Bank	05580AVR2	03-26-2020	240,000.00			240,000.00	1.250 %	1.250 %	03-25-2025	249,189.60	789.04
CD	Live Oak Banking Company	538036LD4	03-31-2020	240,000.00			240,000.00	1.400 %	1.400 %	03-31-2025	250,725.60	276.16
CD	Merrick Bank	59013KGP5	03-31-2020	240,000.00			240,000.00	1.150 %	1.150 %	03-28-2024	251,534.40	0.00
CD	Celtic Bank	15118RUR6	04-02-2020	240,000.00			240,000.00	1.350 %	1.350 %	04-02-2025	250,214.40	257.42
Corp	American Honda Financial Corp	02665WDC2	03-25-2020	500,000.00	2,135.42	(16,445.00)	485,690.42	2.050 %	3.292 %	01-10-2023	517,045.00	4,868.75
Corp	SunTrust Bank	86787EAN7	03-31-2020	1,000,000.00	11,458.33	18,510.00	1,029,968.33	2.750 %	2.126 %	05-01-2023	1,053,150.00	4,583.30
CD	Discover Bank	254673A22	04-02-2020	245,000.00			245,000.00	1.550 %	1.550 %	04-02-2025	257,487.65	936.36
Corp	JP Morgan Chase	46625HHZ6	04-01-2020	350,000.00	6,340.10	9,915.50	366,255.60	4.625 %	2.025 %	05-10-2021	355,376.00	2,293.23
CD	Capital One National Association	14042RPG0	04-08-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-08-2025	258,024.20	902.13
CD	Capital One Bank (USA)	14042TDD6	04-08-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-08-2025	258,024.20	902.13
Corp	BP Capital Markets Americas	10373QAG5	04-02-2020	512,000.00	1,416.28	8,064.00	521,480.28	4.742 %	3.031 %	03-11-2021	516,162.56	7,418.60
Corp	Barclays Bank PLC	06747PKV0	04-08-2020	500,000.00			500,000.00	3.250 %	3.250 %	04-08-2025	516,865.00	3,746.53
CD	State Bank of India	856285TF8	04-29-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-29-2025	258,087.90	676.60
				37,680,783.40	30,674.76	4,619.24	37,716,077.40				38,051,179.51	86,948.35

CITY of CALABASAS
 QUARTERLY INVESTMENT REPORT
 March 31, 2021

Security	Bank or Corporate Name	CUSIP	Purchase Date	A Face Value	B Accrued Interest	C Premium/(Discount)	D=A+B+C Purchase Price	Interest Rate	Yield to Maturity	Maturity Date	Market Value	Accrued Interest
Cash	Bank of America ~ City Account			1,268,189.51			1,268,189.51				1,268,189.51	0.00
Cash	Bank of America ~ Tennis & Swim Account			729,211.30			729,211.30				729,211.30	0.00
Cash	Bank of America ~ Las Virgenese Parking Authority Account			37,001.35			37,001.35				37,001.35	0.00
Pool	California Local Agency Investment Fund (LAIF)			27,274,979.63			27,274,979.63		0.000 %		27,274,979.63	
Cash	UBS Deposit Account			79,322.48			79,322.48				79,322.48	0.00
Cash	FNC Money Market Fund			2,108.69			2,108.69				2,108.69	0.00
CD	Citibank	17312Q2K4	12-10-2019	245,000.00	2,601.03	10,516.80	258,117.83	3.100 %	2.019 %	02-07-2024	264,555.90	1,082.01
CD	Morgan Stanley Bank	61690ULQ1	12-10-2019	245,000.00	798.43	(764.40)	245,034.03	1.950 %	2.018 %	10-10-2024	258,136.90	2,251.30
CD	Wells Fargo	949763L95	12-10-2019	245,000.00	316.49	353.34	245,669.83	2.050 %	2.019 %	10-17-2024	257,840.45	192.64
CD	Morgan Stanley Private Bank	61760A383	12-10-2019	245,000.00	255.07	(1,372.00)	243,883.07	1.900 %	2.019 %	11-20-2024	257,909.05	1,670.70
Corp	JP Morgan Chase	46625HKC3	03-23-2020	500,000.00	2,604.17	(12,850.00)	489,754.17	3.125 %	3.710 %	01-23-2025	535,515.00	2,951.40
Corp	Walt Disney	254687CZ7	03-23-2020	300,000.00	246.67	6,348.00	306,594.67	3.700 %	3.189 %	09-15-2024	328,257.00	493.32
Corp	Wells Fargo	95000U2B8	03-24-2020	400,000.00	1,808.33	(12,652.00)	389,156.33	2.625 %	4.061 %	07-22-2022	411,700.00	2,012.48
CD	American Express National Bank	02589AB27	03-24-2020	240,000.00			240,000.00	1.100 %	1.100 %	03-24-2025	245,642.40	50.64
CD	UBS Bank	90348JTH3	03-25-2020	240,000.00			240,000.00	1.250 %	1.250 %	03-25-2025	247,056.00	49.32
CD	BMW Bank	05580AVR2	03-26-2020	240,000.00			240,000.00	1.250 %	1.250 %	03-25-2025	247,063.20	41.08
CD	Live Oak Banking Company	538036LD4	03-31-2020	240,000.00			240,000.00	1.400 %	1.400 %	03-31-2025	248,481.60	276.16
CD	Merrick Bank	59013KGP5	03-31-2020	240,000.00			240,000.00	1.150 %	1.150 %	03-28-2024	249,900.00	0.00
CD	Celtic Bank	15118RUR6	04-02-2020	240,000.00			240,000.00	1.350 %	1.350 %	04-02-2025	247,992.00	257.42
Corp	American Honda Financial Corp	02665WDC2	03-25-2020	500,000.00	2,135.42	(16,445.00)	485,690.42	2.050 %	3.292 %	01-10-2023	514,010.00	2,306.25
Corp	SunTrust Bank	86787EAN7	03-31-2020	1,000,000.00	11,458.33	18,510.00	1,029,968.33	2.750 %	2.126 %	05-01-2023	1,046,810.00	11,458.30
CD	Discover Bank	254673A22	04-02-2020	245,000.00			245,000.00	1.550 %	1.550 %	04-02-2025	255,091.55	1,872.73
Corp	JP Morgan Chase	46625HHZ6	04-01-2020	350,000.00	6,340.10	9,915.50	366,255.60	4.625 %	2.025 %	05-10-2021	351,494.50	6,340.11
CD	Capital One National Association	14042RPG0	04-08-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-08-2025	255,564.40	1,868.71
CD	Capital One Bank (USA)	14042TDD6	04-08-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-08-2025	255,564.40	1,868.71
Corp	Barclays Bank PLC	06747PKV0	04-08-2020	500,000.00			500,000.00	3.250 %	3.250 %	04-08-2025	519,010.00	7,809.03
CD	State Bank of India	856285TF8	04-29-2020	245,000.00			245,000.00	1.600 %	1.600 %	04-29-2025	255,515.40	1,643.18
Corp	Bank of America	06048WK82	03-04-2021	1,000,000.00	633.33	(17,800.00)	982,833.33	0.600 %	1.115 %	01-26-2026	957,080.00	1,083.30
Corp	Catepillar Financial Services	14913R2K2	03-04-2021	1,000,000.00	75.00	(2,350.00)	997,725.00	0.900 %	0.948 %	03-02-2026	982,830.00	750.00
Corp	Apple	037833BY5	03-15-2021	745,000.00	1,479.65	73,606.00	820,085.65	3.250 %	1.083 %	02-23-2026	813,361.20	2,555.76
Corp	IBM	459200JG7	03-16-2021	400,000.00	1,035.00	40,984.00	442,019.00	3.450 %	1.296 %	02-19-2026	439,904.00	1,610.00
Corp	Exxon	30231GAT9	03-16-2021	350,000.00	443.77	30,380.00	380,823.77	3.043 %	1.144 %	03-01-2026	377,506.50	887.54
				39,835,812.96	32,230.79	126,380.24	39,994,423.99				40,214,604.41	53,382.09



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: APRIL 5, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: ROBERT YALDA, P.E., T.E., PUBLIC WORKS DIRECTOR, CITY ENGINEER
ALEX FARASSATI, PH.D., ENVIRONMENTAL SERVICES SUPERVISOR

SUBJECT: ADOPTION OF RESOLUTION NO. 2021-1729 PROCLAIMING APRIL 24, 2021 AS "ARBOR DAY" IN THE CITY OF CALABASAS

MEETING
DATE: APRIL 14, 2021

SUMMARY RECOMMENDATION:

It is recommended that the City Council approve staff's recommended motion to proclaim April 24, 2021 as "Arbor Day" in the City of Calabasas.

DISCUSSION/ANALYSIS:

Once annually, the City must both adopt an Arbor Day proclamation and hold an Arbor Day event to renew the City's TREE CITY, USA status. This year is the 22nd year that Calabasas is recognized as a Tree City USA. Attached is a resolution proclaiming Saturday, April 24, 2021 as Arbor Day.

In honor of Arbor Day, the City of Calabasas will be holding a tree-planting ceremony at Las Virgenes Creek Trail. The event will include tree-planting by volunteers starting at 10:00 a.m. and the official tree-planting ceremony at 11:30 a.m.

FISCAL IMPACT/SOURCE OF FUNDING:

Estimated costs of approximately \$6,500 will be used from City's Arbor Day Budget (Account No. 10-321-5252-21)

REQUESTED ACTION:

Move to approve City Council Resolution No. 2021-1729 proclaiming April 24, 2021 as Arbor Day.

ATTACHMENT:

Attachment A – Resolution No. 2021-1729

**ITEM 6 ATTACHMENT A
RESOLUTION NO. 2021-1729**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
CALABASAS, CALIFORNIA, PROCLAIMING APRIL 24,
2021 AS "ARBOR DAY" IN THE CITY OF CALABASAS**

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fire and countless other wood products; and

WHEREAS, trees in our City increase property values, enhance the economic vitality of business areas and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, the City Council of the City of Calabasas does hereby proclaim April 24, 2021 as "***Arbor Day***" in the City of Calabasas. All residents are urged to celebrate Arbor Day and to support the efforts to protect our trees and woodlands.

BE IT FURTHER RESOLVED, that all residents are urged to plant trees to promote the well-being of this and future generations.

The City Clerk shall certify to the adoption of this resolution and shall cause the same to be processed in the manner required by law.

PASSED, APPROVED AND ADOPTED this 14th day of April 2021.

James R. Bozajian, Mayor

ATTEST:

Maricela Hernandez, City Clerk
Master Municipal Clerk
California Professional Municipal Clerk

APPROVED AS TO FORM:

Scott H. Howard
Colantuono, Highsmith & Whatley, PC
City Attorney



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 5, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: MARTY HALL, ACTING DIRECTOR OF COMMUNITY SERVICES

SUBJECT: DISCUSSION ON 2021 SOCIALLY DISTANT CITY EVENTS

MEETING DATE: APRIL 14, 2021

SUMMARY RECOMMENDATION:

It is recommended that the City Council discuss and provide direction to staff on socially distant City events.

BACKGROUND:

Throughout the COVID-19 pandemic, the City of Calabasas has followed California State and Los Angeles County protocols and guidelines in relation to public recreation and events. Early on, the Governor's Stay-at-Home Order prohibited in-person activities prompting staff to create online programming for residents. On August 30, 2020, California implemented the Blueprint for a Safer Economy establishing criteria for loosening and tightening restrictions on activities and thereby assigning Los Angeles County to the Purple (Widespread) tier. Under Purple guidelines, in-person events were permitted, but were limited to programs where the public remained within an enclosed vehicle.

With the aforementioned restrictions, the Community Services Department hosted the following events between March, 2020 and March, 2021:

- Independence Day Trolley Tour, House Decorating Contest & Fly-over
- Senior Drive-in Bingo Event

- Park-Nature Scavenger Hunt
- Silly Walk at De Anza Park
- Spooky Kooky Halloween Photo Bingo, Decorating Contest & Treat Street
- Love Rocks Pop Up Rock Garden
- Cruise Into Spring Senior Parking Lot Trivia Night

March 12, 2021, Los Angeles County met the metric to begin lifting restrictions on activities, moving from the Purple (Widespread) tier to the Red (Substantial) tier. Looking ahead, LA County will need to meet the following criteria in order to lift additional restrictions:

Orange (Moderate) tier case rate range will shift to 2-5.9 cases per 100,000.

Yellow (Minimal) tier case rate range will shift to less than 2 cases per 100,000 and when 4 million doses have been administered statewide.

DISCUSSION/ANALYSIS:

News that Los Angeles County has advanced from Red (Substantial) tier to the Orange (Moderate) tier has yielded some change to public events. According to the California Department of Public Health, outdoor festivals and events with live audiences are prohibited statewide until the county reached the Orange (Moderate) tier which we are currently in as of April 5, 2021. Even when we reach the final tier capacity is limited with a maximum capacity.

RED TIER	ORANGE TIER	YELLOW TIER
No Live Audiences	Outdoor Only Capacity Limited to 33% Reservations Required	Outdoor Only Capacity Limited to 67% Reservations Required

Community Services staff are now operating under the assumption that the City’s traditional Fourth of July Fireworks will not take place in 2021 and the Pumpkin Festival may be permitted in 2021. Staff’s attention has been redirected to produce smaller events that provide a sense of community and tradition, while keeping the health and safety of the residents as the top priority.

Spring events will follow Orange Tier guidelines. Staff replaced the traditional egg hunt for a “Hop n Go Bunny Trail” where single household families took photos along the decorated De Anza trail and received their own take home egg hunt kit.

On Mother's Day weekend, staff will host a Wonderland themed Drive-in Family Bingo event with live characters, games and take-home treats.

Now that the County has advanced to the Orange tier, in-person events with reserved seating areas are allowed so long as social distancing efforts are implemented. Staff intends to host live concerts, animal and magic shows, and other family friendly performances where the ground is marked to delineate required spacing. Community Development has confirmed that De Anza Park has the capacity to safely host more than 500 residents and still meet the State's 33% limitation.

An Independence Day concert at De Anza Park might be possible if LA County stays in the Orange or Yellow Tier. If not, Staff will safely implement an alternative drive-through program with spirit prizes and citywide contests.

In the event LA County Health Guidelines do not allow us to hold certain events, staff will continue to be creative and propose other events that will fit into LA County Guidelines.

FISCAL IMPACT/SOURCE OF FUNDING:

Hop and Go Bunny Trail	10-516-5252-13
Community Events through June 30	10-516-5252-25

REQUESTED ACTION:

It is recommended that the City Council discuss and provide direction to staff on socially distant City events.

ATTACHMENTS: None.



CITY of CALABASAS
CITY COUNCIL AGENDA REPORT

DATE: APRIL 6, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: KINDON MEIK, CITY MANAGER
JOHN BINGHAM, ADMINISTRATIVE SERVICES MANAGER

SUBJECT: REQUEST FOR COUNCIL CONSIDERATION OF A SUPPORT LETTER
ON SENATE BILL 612, (PORTANTINO) RATEPAYER EQUITY

MEETING DATE: APRIL 14, 2021

SUMMARY RECOMMENDATION:

As requested by Mayor Pro tem Maurer and supported by Mayor Bozajian, that the City Council consider a support letter related to Senate Bill (SB) 612, authored by Senator Anthony J. Partantino concerning electrical corporations and other load-serving entities: allocation of resources. Specifically it would ensure the resources held in the Investor Owned Utility (IOU) portfolios are managed to maximize value for all customers, and would ensure fair and equal access to the benefits of these legacy resources.

BACKGROUND:

The Clean Power Alliance (CPA) has requested that its member agencies write letters of support related to SB 612. Mayor Pro tem Maurer and Councilmember Shapiro serve on the Board of Directors of the CPA.

A sample letter drafted by the CPA is attached along the California Legislative Information SB 612 Legislative Counsel's Digest and text of the bill as well as other information from CalCCA and information provided by the office of Senator Portantino and the CPA.

There is no known opposition to this legislation at this point. The League of California Cities is planning to issue a support letter on SB 612.

REQUESTED ACTION:

That the City Council discuss and consider a letter of support regarding SB 612 related to ratepayer equity concerning electrical corporations and other load-serving entities and allocation of resources.

ATTACHMENTS:

- A. Sample Letter from CPA
- B. SB 612 Text
- C. Fact Sheet CALCCA
- D. SB 612 Summary – Senator Portantino’s Office
- E. SB 612 FAQs from CPA

CITY *of* CALABASAS

April 15, 2021

The Honorable Anthony Portantino
State Capitol, Room 3086
Sacramento, CA 95814

RE: SB 612 (Portantino) – SUPPORT

Dear Senator Portantino,

The City of Calabasas is pleased to submit a letter of support for your SB 612, which would ensure that resources held in the Investor Owned Utility (IOU) portfolios are managed to maximize value for all customers, and would ensure fair and equal access to the benefits of these legacy resources.

Over the last ten years, millions of utility customers have transitioned from IOUs to Community Choice Aggregators (CCAs). Clean Power Alliance (CPA) of Southern California is the largest CCA in the country, comprised of 32 local jurisdictions across Los Angeles and Ventura Counties. The City of Calabasas is a proud member of CPA, with most residential, commercial, and municipal customers receiving 36% clean power (100% in October) from the entity. Our agencies have banded together to provide cleaner electricity at competitive rates, offering a choice in electricity service providers for the first time to nearly 3 million residents in the region.

When a customer transitions to a CCA, the customer continues to pay for resources, like energy, that were procured on their behalf through the power charge indifference adjustment (PCIA). However unlike an IOU customer, CCA customers receive no benefits from these resources. This inequity has been exacerbated in recent years as the cost of this payment has risen by hundreds of millions of dollars, with no sign of decreasing. The impacts of COVID-19 have made the importance of righting this inequity and lowering costs for all customers even more urgent.

This bill would ensure fair and equal access to the benefits of the resources that all customers pay for and would ensure that these legacy contracts are managed in a way that maximizes benefits for everyone. The bill would also require the California Public Utilities Commission (CPUC) to recognize the value of GHG-free energy in legacy contracts, and would increase transparency around how the IOUs renegotiate these contracts. However, time is of the essence. The longer the legislature takes to act, the less valuable these legacy contracts will be, and the less value customers will gain from access to them.

That is why we strongly support this bill, and thank you for moving forward with this important legislation.

If you have questions, or wish to discuss our position, please do not hesitate to contact the City of Calabasas (818) 224-1663.

Sincerely,

James R. Bozajian, Mayor

CC: Senator Henry Stern, Assembly Member Jesse Gabriel



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SB-612 Electrical corporations and other load-serving entities: allocation of legacy resources. (2021-2022)

SHARE THIS:



Date Published: 03/09/2021 09:00 PM

AMENDED IN SENATE MARCH 09, 2021

CALIFORNIA LEGISLATURE— 2021–2022 REGULAR SESSION

SENATE BILL

NO. 612

Introduced by Senator Portantino
(Coauthors: Senators Allen, Becker, McGuire, and Wiener)
(Coauthors: Assembly Members Bauer-Kahan, Berman, Bloom, Boerner Horvath, Chiu, Kalra, Lee, Levine, Mullin, Muratsuchi, Robert Rivas, Stone, Ting, and Wood)

February 18, 2021

~~An act relating to electricity.~~ *An act to amend Section 454.5 of, and to add Section 366.4 to, the Public Utilities Code, relating to electricity.*

LEGISLATIVE COUNSEL'S DIGEST

SB 612, as amended, Portantino. ~~Electrical corporations: allocation of legacy resources.~~ *Electrical corporations and other load-serving entities: allocation of legacy resources.*

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the commission to fix the rates and charges for every public utility and requires that those rates and charges be just and reasonable.

Existing law requires the commission to authorize and facilitate direct transactions between electric service providers and retail end-use customers, but suspends direct transactions except as expressly authorized. Existing law expressly requires the commission to authorize direct transactions for nonresidential end-use customers, subject to an annual maximum allowable total kilowatthour limit established, as specified, for each electrical corporation, to be achieved following a now-completed 3-to-5-year phase-in period. Existing law requires the commission, on or before June 1, 2019, to issue an order specifying, among other things, an increase in the annual maximum allowable total kilowatthour limit by 4,000 gigawatthours and to apportion that increase among the service territories of the electrical corporations. Existing law requires the commission, by June 1, 2020, to provide the Legislature with recommendations on the adoption and implementation of a 2nd direct transactions reopening schedule and requires that the commission make specified findings with respect to those recommendations, including that the recommendations do not cause undue shifting of costs to bundled service customers of an electrical corporation or to direct transaction customers.

Existing law authorizes a community choice aggregator to aggregate the electrical load of interested electricity consumers within its boundaries and requires a community choice aggregator to file an implementation plan with the Public Utilities Commission in order for the commission to determine a cost-recovery mechanism to be imposed on the community choice aggregator to prevent a shifting of costs to an electrical corporation's bundled customers. Existing law requires that the bundled retail customers of an electrical corporation not experience any cost increase as a result of the implementation of a community choice aggregator program and requires the commission to ensure that the departing load does not experience any cost increases as a result of an allocation of costs that were not incurred on behalf of the departing load.

Pursuant to existing law, the commission has adopted decisions and orders imposing certain costs on customers of an electrical corporation that depart from receiving bundled electrical service from an electrical corporation to instead receive electric service from an electric service provider or a community choice aggregator.

This bill would require an electrical corporation, by July 1, 2022, and by each July 1 thereafter, to annually offer, for the following year, an allocation of each product, as defined, arising from legacy resources, as defined, to its bundled customers and to other load-serving entities, defined to include electric service providers and community choice aggregators, serving departing-load customers, as defined, who bear cost responsibility for those resources. The bill would authorize a load-serving entity within the service territory of the electrical corporation to elect to receive all or a portion of the vintaged proportional share of products allocated to its end-use customers and, if so, require it to pay to the electrical corporation the commission-established market price benchmark for the vintage proportional share of products received. The bill would require that an electrical corporation offer any products allocated to departing-load customers that a load-serving entity declines to elect to receive in the wholesale market in an annual solicitation and require that all revenues received through the annual solicitation be credited toward reducing any nonbypassable charge for all distribution customers of the electrical corporation. The bill would require the commission to recognize and account for the value of all products in the electrical corporation's legacy resource portfolio in determining any nonbypassable charge to be paid by departing-load customers.

Existing law requires that the commission review and accept, modify, or reject a procurement plan for each electrical corporation in accordance with specified elements, incentive mechanisms, and objectives, except that an electrical corporation that serves less than 500,000 electric retail customers within the state may file with the commission a request for exemption from the requirement to file a procurement plan and the commission is required to grant the exemption upon a showing of good cause. Existing law requires that an approved procurement plan eliminate the need for after-the-fact reasonableness reviews of an electrical corporation's actions in compliance with the plan, but authorizes the commission to establish a regulatory process to verify and ensure that each contract entered into pursuant to an approved plan was administered in accordance with the terms of the contract, and contract disputes that may arise are reasonably resolved.

This bill would require an electrical corporation with a commission-approved plan to conduct a request for offers on January 1, 2023, and by January 1 of each odd-numbered year thereafter, from any party to an existing electricity purchase agreement, at that party's full discretion, to modify the agreement to reduce the electrical corporation's total procurement costs on a present value basis over the remaining life of the contract and that is recovered from both bundled and departing-load customers. The bill would require an electrical corporation to publicly report the results of the request for offers in its annual proceeding for review of contract administration established by the commission pursuant to the above-described authorization. The bill would require the commission to determine in its annual proceeding for review of contract administration, if the electrical corporation's actions or inactions in response to the request for offers were reasonable and in the interest of bundled and departing load customers.

Under existing law, a violation of the Public Utilities Act or any order, decision, rule, direction, demand, or requirement of the commission is a crime.

Because the provisions of this bill would be a part of the act and because a violation of an order or decision of the commission implementing its requirements would be a crime, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes a community choice aggregator to aggregate the electrical load of interested electricity consumers within its boundaries and requires a community choice aggregator to file an implementation plan with the Public Utilities Commission in order for the commission to determine a cost recovery mechanism to be imposed on the community choice aggregator to prevent a shifting of costs to an electrical corporation's bundled customers. Existing law requires that the bundled retail customers of an electrical corporation not experience any cost increase as a result of the implementation of a community choice aggregator program and requires the commission to ensure that the departing load does not experience any cost increases as a result of an allocation of costs that were not incurred on behalf of the departing load. Pursuant to existing law, the commission has adopted decisions and orders imposing certain costs on customers of an electrical corporation that depart from receiving bundled service from the electrical corporation to instead receive electricity from an electric service provider or a community choice aggregator.~~

~~This bill would state the intent of the Legislature to enact subsequent legislation related to public utilities that would ensure fair and equal access to the benefits of legacy resources held in investor-owned utility portfolios and address the management of these resources to maximize value for all customers.~~

Vote: majority Appropriation: no Fiscal Committee: ~~no~~yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. *Section 366.4 is added to the Public Utilities Code, to read:*

366.4. *(a) For purposes of this section, the following terms have the following meanings:*

(1) "Departing-load customer" means a customer of an electrical corporation that departs from receiving electric service from an electrical corporation to instead receive electric service from another load-serving entity.

(2) "Legacy resource" means any generation resource or agreement to purchase electricity for delivery to end-use customers in California that was procured by an electrical corporation solely on behalf of the electrical corporation's end-use customers it served at the time of procurement and that is eligible for recovery to prevent cost shifting among the customers of load-serving entities.

(3) "Load-serving entity" has the same meaning as defined in Section 380.

(4) "Product" means electrical resources procured to meet the resource adequacy requirements of Section 380, electrical resources procured to meet the requirements of the California Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11)), electrical resources that do not emit greenhouse gases, and any new generating attributes identified after January 1, 2021, that have regulatory compliance or other identified market value.

(5) "Vintage" means the cost responsibility allocated by the commission, for purposes of legacy resource cost responsibility, to departing-load customers, which the commission allocates to those departing-load customers corresponding to the year the customer departs receiving electric service from the electrical corporation.

(b) (1) By July 1, 2022, and by each July 1 thereafter, the commission shall require an electrical corporation to annually offer, for the following year, an allocation of each product arising from legacy resources to its bundled customers and to other load-serving entities serving departing-load customers who bear cost responsibility for those resources.

(2) The electrical corporation shall offer this allocation in an amount up to each customer's proportional share of legacy resources in the customer's vintage, as determined by the commission.

(3) The electrical corporation shall offer the products for a term and in a manner that maximizes the value of the legacy resources.

(c) (1) A load-serving entity within the service territory of the electrical corporation may elect to receive all or a portion of the vintaged proportional share of products allocated to its end-use customers and shall pay to the electrical corporation the commission-established market price benchmark for the vintage proportional share of products received.

(2) The electrical corporation shall offer to load-serving entities serving departing-load customers within its service territory the same long-term renewable portfolio standard value available to bundled customers by

offering an allocation of eligible renewable portfolio standard resources with a remaining term of at least 10 years for a term equal to the proportionate share of the remaining term of the eligible renewable energy resources. These allocated resources shall count toward a load-serving entity's long-term procurement requirement pursuant to subdivision (b) of Section 399.13.

(3) To enable a load-serving entity to effectively align its supply with its customers' requirements, the electrical corporation shall, at a minimum, provide each load-serving entity electing to receive an allocation the following information for each allocated product:

(A) Not less than seven months before the beginning of the production year, the most recent three-year historical production data for the allocated products and the estimated annual production profile by vintage and resource type in all hours.

(B) Within 15 days following the end of each production month, actual production data for the prior month.

(d) (1) An electrical corporation shall offer any products allocated to departing-load customers that a load-serving entity declines to elect to receive pursuant to subdivision (c) in the wholesale market in an annual solicitation. All revenues received through the annual solicitation shall be credited toward reducing any nonbypassable charge for all distribution customers of the electrical corporation.

(2) The commission shall recognize and account for the value of all products in the electrical corporation's legacy resource portfolio in determining any nonbypassable charge to be paid by departing-load customers.

SEC. 2. *Section 454.5 of the Public Utilities Code is amended to read:*

454.5. (a) The commission shall specify the allocation of electricity, including quantity, characteristics, and duration of electricity delivery, that the Department of Water Resources shall provide under its power purchase agreements to the customers of each electrical corporation, which shall be reflected in the electrical corporation's proposed procurement plan. Each electrical corporation shall file a proposed procurement plan with the commission not later than 60 days after the commission specifies the allocation of electricity. The proposed procurement plan shall specify the date that the electrical corporation intends to resume procurement of electricity for its retail customers, consistent with its obligation to serve. After the commission's adoption of a procurement plan, the commission shall allow not less than 60 days before the electrical corporation resumes procurement pursuant to this section.

(b) An electrical corporation's proposed procurement plan shall include, but not be limited to, all of the following:

(1) An assessment of the price risk associated with the electrical corporation's portfolio, including any utility-retained generation, existing power purchase and exchange contracts, and proposed contracts or purchases under which an electrical corporation will procure electricity, electricity demand reductions, and electricity-related products and the remaining open position to be served by spot market transactions.

(2) A definition of each electricity product, electricity-related product, and procurement-related financial product, including support and justification for the product type and amount to be procured under the plan.

(3) The duration of the plan.

(4) The duration, timing, and range of quantities of each product to be procured.

(5) A competitive procurement process under which the electrical corporation may request bids for procurement-related services, including the format and criteria of that procurement process.

(6) An incentive mechanism, if any incentive mechanism is proposed, including the type of transactions to be covered by that mechanism, their respective procurement benchmarks, and other parameters needed to determine the sharing of risks and benefits.

(7) The upfront standards and criteria by which the acceptability and eligibility for rate recovery of a proposed procurement transaction will be known by the electrical corporation before execution of the transaction. This shall include an expedited approval process for the commission's review of proposed contracts and subsequent approval or rejection of a contract. The electrical corporation shall propose alternative procurement choices in the event a contract is rejected.

(8) Procedures for updating the procurement plan.

(9) A showing that the procurement plan will achieve the following:

(A) The electrical corporation, in order to fulfill its unmet resource needs, shall procure resources from eligible renewable energy resources in an amount sufficient to meet its procurement requirements pursuant to the California Renewables Portfolio Standard Program (Article 16 (commencing with Section 399.11) of Chapter 2.3).

(B) The electrical corporation shall create or maintain a diversified procurement portfolio consisting of both short-term and long-term electricity and electricity-related and demand reduction products.

(C) (i) The electrical corporation shall first meet its unmet resource needs through all available energy efficiency and demand reduction resources that are cost effective, reliable, and feasible.

(ii) In determining the availability of cost-effective, reliable, and feasible demand reduction resources, the commission shall consider the findings regarding technically and economically achievable demand reduction in the Demand Response Potential Study required pursuant to Commission Order D.14-12-024, to the extent those findings are not superseded by other demand reduction studies conducted by academic institutions or government agencies, and to the extent that any demand reduction is consistent with commission policy.

(D) (i) The electrical corporation, in soliciting bids for new gas-fired generating units, shall actively seek bids for resources that are not gas-fired generating units located in communities that suffer from cumulative pollution burdens, including, but not limited to, high emission levels of toxic air contaminants, criteria air pollutants, and greenhouse gases.

(ii) In considering bids for, or negotiating contracts for, new gas-fired generating units, the electrical corporation shall provide greater preference to resources that are not gas-fired generating units located in communities that suffer from cumulative pollution burdens, including, but not limited to, high emission levels of toxic air contaminants, criteria air pollutants, and greenhouse gases.

(iii) This subparagraph does not apply to contracts signed by an electrical corporation and approved by the commission before January 1, 2017.

(10) The electrical corporation's risk management policy, strategy, and practices, including specific measures of price stability.

(11) A plan to achieve appropriate increases in diversity of ownership and diversity of fuel supply of nonutility electrical generation.

(12) A mechanism for recovery of reasonable administrative costs related to procurement in the generation component of rates.

(c) The commission shall review and accept, modify, or reject each electrical corporation's procurement plan and any amendments or updates to the plan. The commission shall ensure that the plan contains the elements required by this section, including the elements described in subparagraphs (C) and (D) of paragraph (9) of subdivision (b). The commission's review shall consider each electrical corporation's individual procurement situation, and shall give strong consideration to that situation in determining which one or more of the features set forth in this subdivision shall apply to that electrical corporation. A procurement plan approved by the commission shall contain one or more of the following features, provided that the commission may not approve a feature or mechanism for an electrical corporation if it finds that the feature or mechanism would impair the restoration of an electrical corporation's creditworthiness or would lead to a deterioration of an electrical corporation's creditworthiness:

(1) A competitive procurement process under which the electrical corporation may request bids for procurement-related services. The commission shall specify the format of that procurement process, as well as criteria to ensure that the auction process is open and adequately subscribed. Any purchases made in compliance with the commission-authorized process shall be recovered in the generation component of rates.

(2) An incentive mechanism that establishes a procurement benchmark or benchmarks and authorizes the electrical corporation to procure from the market, subject to comparing the electrical corporation's performance to the commission-authorized benchmark or benchmarks. The incentive mechanism shall be clear, achievable, and contain quantifiable objectives and standards. The incentive mechanism shall contain balanced risk and reward incentives that limit the risk and reward of an electrical corporation.

(3) Upfront achievable standards and criteria by which the acceptability and eligibility for rate recovery of a proposed procurement transaction will be known by the electrical corporation before the execution of the

bilateral contract for the transaction. The commission shall provide for expedited review and either approve or reject the individual contracts submitted by the electrical corporation to ensure compliance with its procurement plan. To the extent the commission rejects a proposed contract pursuant to this criteria, the commission shall designate alternative procurement choices obtained in the procurement plan that will be recoverable for ratemaking purposes.

(d) A procurement plan approved by the commission shall accomplish each of the following objectives:

(1) Enable the electrical corporation to fulfill its obligation to serve its customers at just and reasonable rates.

(2) Eliminate the need for after-the-fact reasonableness reviews of an electrical corporation's actions in compliance with an approved procurement plan, including resulting electricity procurement contracts, practices, and related expenses. However, the commission may establish a regulatory process to verify and ensure that each contract was administered in accordance with the terms of the contract, and contract disputes that may arise are reasonably resolved.

(3) Ensure timely recovery of prospective procurement costs incurred pursuant to an approved procurement plan. The commission shall establish rates based on forecasts of procurement costs adopted by the commission, actual procurement costs incurred, or a combination thereof, as determined by the commission. The commission shall establish power procurement balancing accounts to track the differences between recorded revenues and costs incurred pursuant to an approved procurement plan. The commission shall review the power procurement balancing accounts, not less than semiannually, and shall adjust rates or order refunds, as necessary, to promptly amortize a balancing account, according to a schedule determined by the commission. Until January 1, 2006, the commission shall ensure that any overcollection or undercollection in the power procurement balancing account does not exceed 5 percent of the electrical corporation's actual recorded generation revenues for the prior calendar year excluding revenues collected for the Department of Water Resources. The commission shall determine the schedule for amortizing the overcollection or undercollection in the balancing account to ensure that the 5-percent threshold is not exceeded. After January 1, 2006, this adjustment shall occur when deemed appropriate by the commission consistent with the objectives of this section.

(4) Moderate the price risk associated with serving its retail customers, including the price risk embedded in its long-term supply contracts, by authorizing an electrical corporation to enter into financial and other electricity-related product contracts.

(5) Provide for just and reasonable rates, with an appropriate balancing of price stability and price level in the electrical corporation's procurement plan.

(e) The commission shall provide for the periodic review and prospective modification of an electrical corporation's procurement plan.

(f) The commission may engage an independent consultant or advisory service to evaluate risk management and strategy. The reasonable cost of any consultant or advisory service is a reimbursable expense and eligible for funding pursuant to Section 631.

(g) The commission shall adopt appropriate procedures to ensure the confidentiality of any market sensitive information submitted in an electrical corporation's proposed procurement plan or resulting from or related to its approved procurement plan, including, but not limited to, proposed or executed power purchase agreements, data request responses, or consultant reports, or any combination of these, provided that the Public Advocate's Office of the Public Utilities Commission and other consumer groups that are nonmarket participants shall be provided access to this information under confidentiality procedures authorized by the commission.

(h) Each electrical corporation with an approved plan shall conduct a request for offers from any party to an existing electricity purchase agreement, at that party's full discretion, to modify the agreement to reduce the electrical corporation's total procurement costs on a present value basis over the remaining life of the contract and that is recovered from both bundled and departing-load customers, as defined in Section 366.4. Each electrical corporation shall issue a request for offer on January 1, 2023, and by January 1 of each odd-numbered year thereafter. The electrical corporation shall publicly report the results of the request for offers in its annual proceeding for review of contract administration pursuant to paragraph (2) of subdivision (d), identifying the total cost savings to customers, without disclosing competitively sensitive price information for individual contracts. The commission shall determine in its annual proceeding for review of contract administration pursuant to paragraph (2) of subdivision (d) if the electrical corporation's actions or inactions in response to the request for offers were reasonable and in the interest of bundled and departing load customers.

(h)

(i) This section does not alter, modify, or amend the commission's oversight of affiliate transactions under its rules and decisions or the commission's existing authority to investigate and penalize an electrical corporation's alleged fraudulent activities, or to disallow costs incurred as a result of gross incompetence, fraud, abuse, or similar grounds. This section does not expand, modify, or limit the Energy Commission's existing authority and responsibilities as set forth in Sections 25216, 25216.5, and 25323 of the Public Resources Code.

(i)

(j) An electrical corporation that serves less than 500,000 electric retail customers within the state may file with the commission a request for exemption from this section, which the commission shall grant upon a showing of good cause.

(j)

(k) (1) Before its approval pursuant to Section 851 of any divestiture of generation assets owned by an electrical corporation on or after September 24, 2002, the commission shall determine the impact of the proposed divestiture on the electrical corporation's procurement rates and shall approve a divestiture only to the extent it finds, taking into account the effect of the divestiture on procurement rates, that the divestiture is in the public interest and will result in net ratepayer benefits.

(2) Any electrical corporation's procurement necessitated as a result of the divestiture of generation assets on or after September 24, 2002, shall be subject to the mechanisms and procedures set forth in this section only if its actual cost is less than the recent historical cost of the divested generation assets.

(3) Notwithstanding paragraph (2), the commission may deem proposed procurement eligible to use the procedures in this section upon its approval of asset divestiture pursuant to Section 851.

(k)

(l) The commission shall direct electrical corporations to include in their proposed procurement plans the integration costs described and determined pursuant to clause (v) of subparagraph (A) of paragraph (5) of subdivision (a) of Section 399.13.

(l)

(m) Before approving an electrical corporation's contract for any new gas-fired generating unit, the commission shall require the electrical corporation to demonstrate compliance with its approved procurement plan.

SEC. 3. *No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.*

~~SECTION 1. It is the intent of the Legislature to enact subsequent legislation related to public utilities that would ensure fair and equal access to the benefits of legacy resources held in investor-owned utility portfolios and address the management of these resources to maximize value for all customers.~~



ENSURING FAIR AND EQUAL ACCESS TO BENEFITS OF LEGACY ENERGY RESOURCES
Internal Fact Sheet for Proposed Legislation

SUMMARY

Over the last ten years, millions of utility customers have transitioned from investor-owned utility (IOU) electric service to Community Choice Aggregators (CCAs), local government-owned utilities providing electricity over the existing power grid. As part of this transition, CCA customers continue to share with IOU customers cost responsibility for legacy energy resources purchased by IOUs prior to their departure for CCA service.

While all customers bear responsibility for these legacy resources, only IOU customers can meaningfully access the benefits. This bill solves that inequity by ensuring all customers have equal access, through an allocation process, to the benefits of the resources that were purchased on their behalf, such as renewable and greenhouse-gas free (GHG-free) energy and resource adequacy. Additionally, it implements other consensus measures designed to maximize the value and utility of legacy resources held in IOU portfolios.

EXISTING LAW

Existing law (AB 117, Statutes of 2003 and SB 350, Statutes of 2015) provides that the California Public Utilities Commission (CPUC) must ensure overall cost minimization and prevent cost shifts between IOU and departing-load customers (e.g., CCAs and ESPs). AB 117, SB 790, and related legislation have been implemented by the CPUC in the form of the Power Charge Indifference Adjustment (PCIA), a surcharge on all customers intended to collect above-market costs of the IOUs legacy resources. SB 790 requires that the cost responsibility of CCA customers shall be reduced by the value of any benefits that remain with bundled service customers, unless the CCA customers are allocated a fair and equitable share of those benefits.

THIS PROPOSAL

This proposal would add new sections to the Public Utilities Code that are designed to ensure fair and equal access to the benefits of legacy resources and ensure resources held in IOU portfolios are managed to maximize value for all customers.

Specifically, this proposal:

- 1) Provides IOU, CCA, and direct access customers equal right to receive legacy resource products that were procured on their behalf in proportion to their load share if they pay the full cost of those products.
- 2) Requires the CPUC to recognize the value of GHG-free energy and any new products in assigning cost responsibility for above-market legacy resources, in the same way value is recognized for renewable energy and other products.

- 3) Requires IOUs to offer any remaining excess legacy resource products not taken by IOU, CCA, or direct access customers to the wholesale market in an annual solicitation.
- 4) Requires each IOU to transparently solicit interest from legacy resource contract holders in re-negotiating, buying out, or otherwise reducing costs from these contracts.

BACKGROUND

Overview

Early procurement of renewable energy generation resources by California's IOUs resulted in a rapid transition to renewable energy. As renewable resources have grown to scale, both prices and market value for renewable energy have declined, leaving a significant portion of the IOU legacy resource portfolio underwater. Likewise, utility-owned generation operates at costs that are significantly above market, further increasing the PCIA. These parallel trends have produced billions of dollars of above-market costs needed to be recovered through the PCIA.

While these resources produce high costs, they also produce valuable products such as renewable energy, hydroelectric energy, and resource adequacy, products needed by all energy providers to meet their clean energy goals and remain in compliance with reliability requirements. However, under the current structure, all of these products are retained by the IOU for its own compliance purposes. While CCA and direct access customers continue to pay a significant share of the costs for these resources, their ability to access the benefits depends on the willingness of the IOU – at its sole discretion – to sell.

This inequity has been long recognized by regulators and stakeholders. In 2017, the CPUC opened a proceeding intended to address PCIA-related issues and included addressing portfolio management and portfolio optimization. The CPUC deferred on this in its October 2018 decision, instead directing CalCCA, SCE, and Commercial Energy (co-chairs of the Working Group) to work together on a consensus solution. That solution – reflected in this bill proposal and developed through months of hard work by the co-chairs – was formally provided in February 2020, but has not been given any procedural consideration since.

What is the PCIA?

The Power Charge Indifference Adjustment (PCIA) is a mechanism adopted by the Commission as part of a ratemaking methodology to ensure that when electric customers of an investor-owned utility (IOU) depart from IOU service and receive their electricity from a non-IOU provider, such as a CCA, those customers remain responsible for costs previously incurred on their behalf by the IOUs.

Status of the PCIA

The concept of allowing a utility to recover above market costs through a nonbypassable charge (NBC) has been around since restructuring of the electric sector in the mid-90s. The PCIA surcharge is a form of NBC that has been updated and revised several times. The PCIA, or 'stranded costs', is the total IOU portfolio costs for the eligible resources minus their portfolio value. In 2017, the CPUC opened a rulemaking to revise the PCIA and identified one of the issues to be addressed was optimization of IOU portfolio management (e.g., contract extensions and contract renegotiation) to minimize stranded costs.

Parties advanced numerous proposals for optimization in Phase 1 (e.g., securitization, buy-out/buy-down, voluntary allocation and auction) but the final decision in October 2018 limited its scope to market price benchmark reform and deferred optimization issues to Phase 2.

The Phase 2 scoping memo issued in February 2019 identified three areas in need of resolution, including identifying the “structures, processes, and rules governing portfolio optimization that the Commission should consider in order to address excess resources in the utility portfolios” and how to improve “management of the utilities’ portfolios in response to departing load in the future in order to minimize further accumulation of uneconomic costs.”

A Working Group process was established at the CPUC with three co-chairs representing the affected load serving entities (CCAs, IOUs, and direct access providers): California Community Choice Association (CalCCA), Southern California Edison (SCE), and Commercial Energy (CE).

After 10 months of collaborative and extensive resource investment that included four workshops and two progress reports, the co-chairs filed a final consensus report in February 2020. The Commission final decision was expected by June 2020. As of February 1, 2021, the Commission has taken no action towards adoption of the final consensus report.

The delay by the CPUC to issue a decision impacts the procurement plans of the load serving entities (LSEs). The delay creates uncertainty and may lead to duplicative procurement as IOUs, CCAs, and ESPs are forced to guess what resources, if any, their customers may have access to in the future.

Benefits of Bill Proposal

- Maximize the value of the portfolio and provide equitable access to all LSEs required to pay above-market costs
- Minimize stranded costs by increasing sales revenues and reducing costs in the PCIA-eligible resource portfolio
- Prevent “double procurement” of Resource Adequacy (RA) and Renewable Portfolio Standard (RPS) compliance resources thereby reducing ratepayer costs
- Provide greater transparency for IOU optimization efforts

SB 612 (Portantino) Ratepayer Equity

PROBLEM

Over the last decade, more than 11 million investor-owned utility (IOU) customers have transitioned from IOU electric service to Community Choice Aggregators (CCAs), local government-owned utilities choosing to purchase electricity on behalf of their communities.

As part of this transition, CCA customers must share in the cost responsibility with IOU customers for the resource contracts entered into by IOUs prior to their departure for CCA service.

While CCA customers must pay their fair share of the contracts, they do not have access to any of the benefits the resources from these contracts provide as those benefits are retained by the IOU for their customers.

As a result, CCA customers must pay for redundant resources to meet compliance requirements even though they already pay for the products as part of their obligation for transitioning to a CCA. There is no good policy rationale for this inequitable treatment of CCA customers versus their IOU counterparts.

BACKGROUND

Early state mandated procurement of renewable energy by IOUs resulted in California's rapid transition to renewable energy. As renewable resources have grown to scale, both prices and market value for renewable energy have declined, leaving a significant portion of the IOU initial renewable contracts underwater. These contracts, often referred to as "legacy contracts" have produced billions of dollars of above-market costs that are recovered from all ratepayers.

While these resources produce high costs, they also produce valuable products such as renewable energy, greenhouse gas free energy, and resource adequacy, products needed by all energy providers to meet their clean energy goals and remain in com-

pliance with reliability requirements. However, under the current structure, these products are retained by the IOU for its own compliance purposes.

SUMMARY

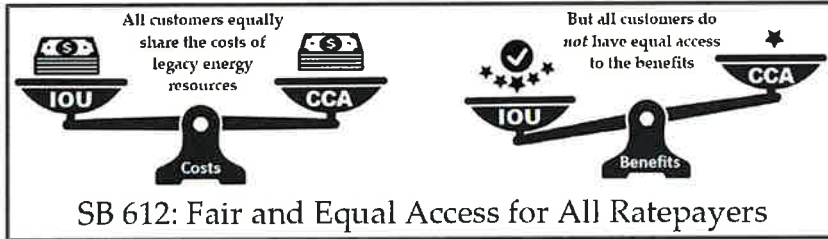
This bill ensures fair and equal access to the benefits of legacy contracts resources for all customers and ensures that IOU portfolios are managed to maximize value and reduce unnecessary costs for all customers. Specifically, this bill:

- 1) Provides customers equal access to the legacy products they are paying for in proportion to what they are paying.
- 2) Requires the CPUC to recognize the value of GHG-free energy in the same way renewable energy or RA products are recognized.
- 3) Requires IOUs to annually sell any remaining excess legacy resource products not taken by former customers to the wholesale market.
- 4) Requires IOUs to transparently engage legacy resource holders in re-negotiating, buying out, or otherwise reducing costs from these contracts.

SUPPORT

California Community Choice Association
Central Coast Community Energy
East Bay Community Energy
Redwood Coast Energy Authority
San Jose Clean Energy
City of Agoura Hills
City of San Jose

Version: 3/4/2021



SB 612: A Ratepayer Equity Bill
Frequently Asked Questions

What is an IOU portfolio?

An IOU electricity supply portfolio includes all the energy resources an IOU has procured to provide power to customers. These include long-term contracts with renewable energy resources and utility-owned generating facilities.

What are “legacy” energy resources?

Legacy energy resources are power supply commitments that the IOUs made in the past. These include capital-intensive utility-owned generation facilities (e.g. nuclear, natural gas, hydroelectric plants) and expensive long-term renewable energy contracts with third parties. Legacy resources account for billions of dollars in above-market costs in IOU energy portfolios, and IOUs rely on California ratepayers to pay the costs. CCA customers continue to pay for legacy resources through the Power Charge Indifference Adjustment (PCIA) fee.



What do you mean by the benefits of a legacy resource?

Legacy resources are a burden because the electricity they generate is very expensive compared to today’s market prices, resulting in billions of dollars in above-market costs that accrue to all ratepayers. However, there are also valuable products associated with the electricity produced by legacy resources – such as resource adequacy, RPS attributes, and GHG-free attributes – that can be used by energy providers to meet their clean energy goals and reliability requirements. But under the current structure, these products are retained by IOUs. So, while CCA customers must pay their fair share for legacy resources, CCA customers do not have fair access to all of the beneficial products they are paying for. There is no good policy rationale for this inequitable treatment of CCA customers versus their IOU counterparts.

Items of Value in IOUs’ PCIA Portfolios

	Old Renewables PPAs	Utility-Owned Nuclear	Utility-Owned Hydro	Utility-Owned Fossil
Resource Adequacy	X	X	X	X
RPS Attributes	X			
GHG-Free Attributes		X	X	

What is meant by “fair and equal access?”

CCA customers pay their fair share for legacy resources but CCA customers are unable to access the beneficial products/ attributes of the resources they are paying for. SB 612 ensures “fair and equal access” because all customers – bundled (IOU) and departing load (CCA) – equally share the costs and benefits of legacy contracts.

How are legacy resources managed today? What are the problems?

IOUs have full control over legacy energy resources (PCIA portfolios) and get first dibs on the valuable products to meet their own compliance requirements or to ‘green’ their power content labels. In addition to getting first dibs on valuable products in the PCIA portfolios, the IOUs are also in full control of what to do with the remainders, or excess resources. In short, IOUs make CCAs pay for the resources but then IOUs get to keep whatever they want, and get rid of what they don’t, in a manner that reduces the value of the resources and drives up the PCIA. Further, IOUs manage the portfolio so they have zero compliance risk with RPS (SB 350) or RA obligations, and leave CCAs at risk for their compliance obligations.

- **Problem #1: Timing of sales of excess resources**

IOUs have full control over when to sell the valuable items that remain in the portfolio after they get to pick and choose what they want. Then they release excess products into the market at a time of *their* choosing. The timing of the release can have deep impacts on CCAs if the IOUs have held the products past the compliance dates for RPS and RA, which in practice they do, so CCAs can’t use them to comply with their requirements. It also reduces the value of the products because there are no longer interested buyers, which in turn drives up the PCIA. Timing is especially critical now given the scarcity market for system RA, with potential delays of new projects coming online. Given the scarce market, it’s crucial that CCAs be given fair and timely access to legacy assets they are paying for.

- **Problem #2: Packaging of excess resources**

IOUs get to choose how to ‘package’ excess legacy resources. Take a 20-year RA contract, for example. The IOU can choose to sell portions of the RA in short-term slices such as one-year periods. So, they may give up 2 MW of RA for one year, keeping the rest in the bank in case they need it later. This is a vastly different product than long-term RA and the value of the product is not optimized because short-term products have less value (and garner less revenue) than long-term products. This has the net result of driving up the PCIA (lower value = higher PCIA).

- **Problem #3: CCAs’ open positions are (artificially) larger due to lack of access to legacy resources**

Because IOUs have full command over the PCIA portfolios, and can pick and choose what they want to keep and sell, their open positions are kept small. This can create serious ripple effects for the CCAs as the CPUC directs LSEs to procure based on their open positions, rather than load share, as they’ve done in the Diablo Canyon procurement order. Because the IOUs open positions are smaller, they’re going to get smaller allocations than the CCAs.

What types of benefits do CCAs have fair and equal access to under SB 612? What is the value for CCAs? SB 612:

- Gives CCAs equitable access to PCIA resources to meet a part of their RPS compliance requirements.
- Gives CCAs equitable access to RA to meet RA compliance requirements;
- Gives CCAs equitable access to GHG-free resources to reduce the carbon intensity of their own portfolios;
- Increases the value of the RPS products in the portfolio by enabling long-term allocations to CCAs (rather than just short-term sales, which don’t meet the 10-year requirement)
- Reduces the likelihood of “unsold” RA or RPS products, which are given zero value in the PCIA calculation (and therefore increase the PCIA).

How does SB 612 provide fair and equal access?

SB 612 ensures all LSE (IOU, CCA, ESP) customers have equal access to the benefits of the resources they are paying for, and that the costs to all ratepayers are minimized. The bill does this by:

- Providing IOU, CCA, and direct access customers equal right to receive, on a voluntary basis, legacy resource products that were procured on their behalf in proportion to their load share if they pay the full cost of those products
- Requiring the CPUC to recognize the value of GHG-free energy and any new products in assigning cost responsibility for above-market legacy resources, in the same way value is recognized for renewable energy and other products
- Requiring IOUs to offer any remaining excess legacy resource products not taken by IOU, CCA, or direct access customers to the wholesale market in an annual solicitation
- Requiring each IOU to transparently solicit interest from legacy resource contract holders in re-negotiating, buying out, or otherwise reducing costs from these contracts

How does proportional access work?

Attributes will be allocated proportionally on a vintaged basis, using the same vintage assignment system that's used to determine the PCIA. Under that system, each generation resource and departing customer is assigned a vintage. A distinct portfolio of generation resources is identified for each vintage year based on when a commitment to procure each resource was made. CCA and direct access customers are assigned to vintage years according to the date they depart bundled IOU service. Customers continuing to receive bundled service from the IOU are included in the latest vintage (e.g. vintage 2021).

Will SB 612 benefit only CCA customers?

It will benefit all customers: CCA, IOU, and ESP. If you're improving the value of any product in the PCIA portfolio – by enabling long-term allocations to CCAs, rather than just short-term, for example – you're going to increase the value for all customers. The reason the IOUs are not doing that now is because they're going to collect the legacy costs regardless (lower value = higher PCIA), so they're not incentivized to improve the value. Renegotiation of contracts, which would be voluntary, could also reduce the costs for all customers.

Isn't the CPUC already directing the IOUs to maximize the value of legacy resources?

There is some oversight of the IOUs' management of legacy resource portfolios, but not nearly enough. It's a 'needle in a haystack' in the ERRA compliance proceeding. The commission recognized in its 2018 Phase 1 PCIA decision that utilities need incentives to manage their PCIA portfolios more aggressively and initiated a Working Group 3 (WG3) phase of the proceeding to focus on portfolio optimization and cost reduction so that only *unavoidable* costs are recovered through the PCIA. The WG3 phase "offers the promise of meaningful progress toward reducing the levels of above-market costs going forward," the CPUC said.

What does it mean to "recognize the value of GHG-free energy"?

Currently, through the Power Charge Indifference Adjustment (PCIA), CCA customers are required to pay a portion of the costs to operate IOU generation assets, such as large hydropower and nuclear facilities (utility-owned generation resources).

PCIA charges are only supposed to cover the difference in cost between the price at which IOUs bought the resources and the price at which IOUs can now sell the resources. IOUs sell the electricity from these resources in the market administered by the California Independent System Operation (CAISO). Therefore, the total cost CCA customers pay for these GHG-free resources in the PCIA is reduced by the revenue IOUs receive in the CAISO market for the energy generated from these assets. However, the CAISO revenue does not reflect any value for the GHG-free attributes of this energy.



CITY of CALABASAS

CITY COUNCIL AGENDA REPORT

DATE: APRIL 1, 2021

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: SCOTT H. HOWARD, CITY ATTORNEY
MATTHEW T. SUMMERS, ASSISTANT CITY ATTORNEY
EPHRAIM S. MARGOLIN, ASSISTANT CITY ATTORNEY
COLANTUONO HIGHSMITH & WHATLEY, PC

SUBJECT: COUNCIL CONSIDERATION OF POTENTIAL
"HAZARD/HAZARD/HERO PAY" ORDINANCE FOR FRONT-LINE
GROCERY, RESTAURANT, AND/OR HOSPITALITY WORKERS

**MEETING
DATE:** APRIL 14, 2021

RECOMMENDATION:

Receive a staff report regarding options for a potential "hazard/Hazard/Hero pay" ordinance requiring, or potentially paying for, increased pay for front-line grocery, restaurant, and/or hospitality workers and provide direction to staff regarding whether to move forward with preparation of an ordinance, and if so, how to structure it.

BACKGROUND:

Members of the City Council requested that staff conduct research on adopting a "Hazard/Hazard/Hero Pay" ordinance for front-line workers. This report is intended to serve as a brief summary of what "Hazard/Hazard/Hero Pay" is, the City's options for adopting a "Hazard/Hazard/Hero Pay" ordinance, and what other cities have done. Staff requests City Council direction as to whether a full staff report, including legal analysis, and/or a potential ordinance should be prepared.

The COVID-19 pandemic has placed increased stress on front-line workers, such as grocery store employees, restaurant staff, and workers in the hospitality industry. Due to these specific impacts, members of the City Council have requested more information about an ordinance which would require certain grocery stores, restaurants, and/or hospitality businesses to provide a pay increase to their workers in Calabasas for a limited period of time and/or use money that the City received from the American Rescue Act to increase the pay of front-line workers.

At the beginning of the pandemic, many retail companies provided extra COVID-19 related compensation to their workers. This bonus, commonly known as “Hazard/Hazard/Hero Pay,” was often implemented as a temporary hourly wage increase or a one-off bonus for essential workers. Several cities have passed “Hazard/Hazard/Hero Pay” ordinances. Most of these ordinances apply to large grocery or retail stores that employ more than 300 people nationally and have more than 15 employees in the city. Although all of the ordinances apply to grocery store workers, some are broader and apply to pharmacies, agricultural laborers, and other retail workers.

List of Jurisdictions which have Adopted Hazard/Hazard/Hero Pay Ordinances

[As of April 1, 2021]

- Berkeley
- Buena Park
- Coachella
- Costa Mesa
- Daly City
- El Monte
- Irvine
- Long Beach
- Los Angeles
- Montebello
- Oakland
- Palm Springs
- Pomona
- Santa Ana
- San Jose
- San Leandro
- Santa Monica
- South San Francisco
- West Hollywood
- Los Angeles County (only applies to unincorporated areas)
- Santa Clara County

The California Grocers Association (“CGA”), a trade group which represents more than 300 retailers, has filed a lawsuit against the City of Long Beach, the first city in California to adopt a “Hazard/Hazard/Hero Pay” ordinance.¹ The CGA alleged that Long Beach’s ordinance violated the Equal Protection Clause of the State and Federal constitutions, broke the Contracts Clause of the State and Federal constitutions, which prohibits governments from interfering with contracts except as necessary to promote public welfare, and was preempted under the National Labor Relations Act. The CGA sought a preliminary injunction to stop Long Beach’s ordinance from taking effect. The District Court denied CGA’s request. The CGA continues the lawsuit, which has not yet gone to trial. In the interim, Long Beach’s ordinance has gone into effect.

Potential Legal Liability if the City adopted a Hazard/Hazard/Hero Pay Ordinance

If the City were to adopt a “Hazard/Hazard/Hero Pay” ordinance, it would likely be sued by the CGA. In addition to suing Long Beach, the CGA has filed lawsuits against West Hollywood, Oakland, Irvine, Santa Ana, Montebello San Leandro, San Jose, and Daly City among others, and has declared an intention to bring suit against all such ordinances.²

Using Money from the American Rescue Plan to fund a “Hazard/Hazard/Hero Pay” Ordinance

All of the jurisdictions that have passed “Hazard/Hazard/Hero Pay” ordinances have required businesses to shoulder the burden of paying their workers the increase in pay. An alternative option for the City that could potentially avoid a lawsuit from CGA would be to distribute money received from the American Rescue Plan Act of 2021 as “Hazard/Hazard/Hero Pay” from the City to selected front-line workers. The purpose of the Act is to “respond to [the] public health emergency with respect to COVID-19 or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality.” The “premium pay” provision of the Act allows local governments to provide money to eligible essential workers or provide grants to eligible employers that employ essential workers. Premium pay may not exceed \$13 per hour or \$25,000 per worker. The \$13 an hour limit is in addition to wages the eligible worker otherwise receives. The Act only sets a cap on premium pay eligible

¹ *California Grocers Ass’n v. City of Long Beach* (2021) WL 736627.

² *California Grocers Ass’n v. City of West Hollywood* (C.D. Cal. 2021) WL 625047; *California Grocers Ass’n v. City of Oakland* (N.D. Cal. 2021) 3:21CV00863; *California Grocers Ass’n v. City of Irvine* (Super Ct. Orange County, 2021, 30-2021-01189676-CU-MC-CXC); *California Grocers Ass’n v. City of Santa Ana* (Super Ct. Orange County, 2021, 30-2021-01189627-CU-MC-CXC); *California Grocers Ass’n v. City of Montebello* (C.D. Cal. 2021) 2:21-CV-01011; *California Grocers Ass’n v. City of San Leandro* (N.D. Cal. 2021) 3:21-CV-01175; *California Grocers Ass’n v. City of San Jose* (N.D. Cal. 2021) 5:21-CV-01772; *California Grocers Ass’n v. City of Daly City* (N.D. Cal. 2021) 3:21-CV-01773.

for payment from the federal stimulus funds; cities can choose to provide premium pay temporarily or permanently, and can use General Funds to do so.

The Act does not define who qualifies as “eligible employers,” and staff expects the federal government to apply a broad definition. For example, the City could feasibly provide grants to grocery store workers on the grounds they are eligible essential workers, with the caveat that City money only go to workers and not operations or management staff. There is very little guidance published by the Treasury Department on this issue and the Act is ambiguous. The City would have to provide “periodic reports providing a detailed accounting of the uses of such funds” to the Treasury Department. If the Treasury Department determines that the City misused its funds, then it would have to repay the Treasury. If a gift of public funds legal challenge were filed against the City, the City’s defense would be that the provision of additional pay to ensure continued existence of essential services is necessary for the maintenance of the public’s health and welfare.

Wages Comparison and Effect on Grocery Stores

One of the justifications for the existing cities’ ordinances requiring grocery stores to pay their workers “Hazard/Hero Pay” is that grocery stores have been more profitable than usual during the pandemic, yet have failed to increase their workers’ pay while those workers have continued to serve the public throughout the pandemic. As requested, staff has sought to determine if the first element of this common narrative is true – the greater profitability of grocery stores during the pandemic. However, the City was unable to determine how profitable the grocery stores located in the City have been using the information available to staff.

Hazard/Hero Pay -- Minimum Wage Comparison with Selected Cities:

Agency	Effective Date	Employers with 26 or more Employees	Employers with 25 or fewer Employees	Hazard/Hero Pay per Hour
Los Angeles City	7/1/2020	\$15.00	\$14.25 ³	\$5.00
Unincorporated LA County	7/1/2020	\$15.00	\$14.25 ⁴	\$5.00
State of CA	1/1/2020	\$14.00	\$13.00	N/A
Long Beach ⁵	1/1/2020	\$14.00	\$13.00	\$4.00
West Hollywood	1/1/2020	\$14.00	\$13.00	\$5.00
Calabasas	1/1/2020	\$14.00	\$13.00	N/A

³ Increases to \$15 on July 1, 2021.

⁴ Increases to \$15 on July 1, 2021.

⁵ Long Beach’s Minimum wage ordinance only applies to concessionaire and hotel workers. All other workers are subject to the State’s minimum wage law.

The City and West Hollywood have not adopted their own minimum wage ordinances; instead their minimum wage aligns with the State's. As a survey chart, this chart does not include all of the "Hazard/Hero Pay" ordinances.

FISCAL IMPACT/SOURCE OF FUNDING:

If the City decides to use money received from the American Rescue Plan to fund its "Hazard/Hero Pay" ordinance, then it will have to ensure that all the recipients of its funds are eligible under the Treasury Department's requirements, or otherwise fund the program with other available City funds.

It will be harder to predict what effect a "Hazard/Hero Pay" ordinance which places the burden on business to fund the pay increases of their workers will have on municipal finances. After Long Beach passed its "Hazard/Hero Pay" ordinance, multiple grocery stores closed in the City, potentially lowering the city's tax revenue. Staff reached out to the five grocery stores located in the City (Erewhon, Albertsons, Ralphs, Trader Joes, and Gelsons), based on the understanding that some of the corporate grocers were already offering incentives or increased pay. Attached to this report is a response letter from Ralphs. At the time of printing this report, staff have not received a response from the other stores, but will update the Council and community during the meeting as to additional correspondence received.

REQUESTED ACTION:

That the City Council direct City staff as to whether a full staff report, including legal risks and defense options analysis should be prepared, and if so, whether to also prepare a potential ordinance, and if so, how it be structured.

ATTACHMENT:

Correspondence Received



P. O. Box 54143 – Los Angeles, California 90054, (310) 884-9000

April 1, 2021

Michael McConville
Management Analyst
City of Calabasas
100 Civic Center Way
Calabasas, CA 91302

Sent via email to mmcconville@cityofcalabasas.com

Dear Mr. McConville:

Ralphs Grocery Company thanks you and the City Council for your leadership throughout the COVID-19 pandemic, in addition to your care and concern for grocery workers in the City of Calabasas. We also sincerely thank you for reaching out to gather all details for a well-informed discussion on the merits of Extra Pay for grocery workers at the City Council meeting on April 14, 2021 – this is an opportunity that has not been afforded to us in any other California jurisdiction that has mandated a similar ordinance. We applaud your proactive efforts to obtain the information necessary for a fair and balanced discussion.

Since the start of the pandemic, Ralphs, Food 4 Less and all Kroger frontline associates have received a series of rewards in the form of one-time cash payments, temporary hourly wage increases and store credits. I urge you to visit www.krogercovidresponse.com to learn what has already been accomplished to date with regard to rewarding associates for a job well-done.

In order to protect our associates, customers and communities, the cost of doing business expanded greatly in 2020. Our company rose to meet the challenge of the COVID-19 pandemic head on by investing \$2.5 billion to both reward our associates and strengthen pensions, while also implementing dozens of safety measures for the protection of our associates and customers. The company also continues to provide rewards for associates, including recently issuing \$50 million in rewards to frontline associates.

For more than 147 years, Ralphs has been a strong community partner, currently employing more than 7,000 associates in Los Angeles County with competitive wages, world-class medical benefits and a stable pension for retirement. But sustainable operations are becoming more difficult. You may have recently seen that the City of Los Angeles' mandate requiring an extra \$5 an hour will create an additional \$20 million in operating costs over the next 120 days. This is on top of the average total compensation of \$24 an hour for Ralphs associates in the City – one of the highest in the industry. In fact, the City's own [Economic Impact Report](#) advised against moving ahead with the mandate. If you'd like to learn more about grocery retail and the financial effects of extra pay in the City of Los Angeles, please visit this [link](#).

Grocery stores are responsible for their individual profit and loss accountability, while operating on razor thin margins – typically around 1-2%. An additional \$4-\$5 an hour for each grocery associate could have unintended consequences in the form of increased grocery costs for families, reduced hours and fewer jobs for workers and even store closures. You can learn more about the potential impacts of a mandated extra pay ordinance at www.extrapayfacts.com.

To be clear, Ralphs is already committed to long-term wage increases. In fact, our company announced earlier this week that we will be investing another \$350 million in associate wages this year nationwide. However, we are

opposed to mandated increases that apply to some, but not all frontline workers and not all companies that employ frontline workers. As an example, several extra pay ordinances, including the increases in Long Beach, Seattle and other West Coast cities don't include popular big box retailers, nor do most of the ordinances include any business outside of grocery and drug retail that was considered essential and remained open during the pandemic.

While extra pay for grocery workers won't make them any safer, the vaccine will. Ralphs and Food 4 Less are offering a \$100 payment to associates who get vaccinated. To date, we have already provided the first dose or fully vaccinated more than 20% of our workforce who have chosen to receive the vaccine, as we are committed to be part of the solution and safeguard the health and safety of our communities.

Thank you for reading and for giving this topic the care and consideration it requires. Please feel free to contact me if you have any questions.

Kindest regards,

A handwritten signature in black ink that reads "John Votava". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.

John Votava
Director, Corporate Affairs
Ralphs Grocery Company

Maricela Hernandez

From: Mary Sue Maurer <maureredge@gmail.com>
Sent: Tuesday, March 23, 2021 4:46 PM
To: Maricela Hernandez
Subject: Fwd: Grocery workers hero pay

Public comment on Hero Pay item

----- Forwarded message -----

From: **Shelley Baker** <calbakes@aol.com>
Date: Tue, Mar 23, 2021 at 3:39 PM
Subject: Grocery workers hero pay
To: Mary Sue Maurer <maureredge@gmail.com>

Hi Mary Sue,

I hope all is well with you and your family. I wanted to share with you an issue that I recently learned about. Grocery workers in the city of Los Angeles and unincorporated areas of Los Angeles County are now receiving an extra \$5 per hour 'hero pay' while the employees of large corporation grocery stores within the city of Calabasas are not receiving the same. I hope that the Calabasas City Council will follow the example of the county and city of Los Angeles and help these workers.

Thanks,

Shelley Baker
Resident and friend

--

Mary Sue Maurer
Calabasas Mayor pro Tem
www.cityofcalabasas.com
@marysueaurer



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Check No.	Check Date	Vendor Name	Check Description	Amount	Department
Administrative Services					
110533	4/5/2021	ACORN NEWSPAPER	LEGAL ADVERTISING	622.40	Administrative Services
110440	3/16/2021	US BANK	VISA- NNA/APPLE.COM	586.21	Administrative Services
110570	4/5/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	150.00	Administrative Services
110528	3/29/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	150.00	Administrative Services
110440	3/16/2021	US BANK	VISA- COGNITO/AMAZON.COM	95.67	Administrative Services
110528	3/29/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	60.00	Administrative Services
110440	3/16/2021	US BANK	VISA- COGNITO/AMAZON.COM	40.00	Administrative Services
110440	3/16/2021	US BANK	VISA- NNA/APPLE.COM	6.99	Administrative Services
Total Amount for 8 Line Item(s) from Administrative Services				\$1,711.27	
Boards and Commissions					
110440	3/16/2021	US BANK	VISA- THE STAND	150.00	Boards and Commissions
Total Amount for 1 Line Item(s) from Boards and Commissions				\$150.00	
City Attorney					
110466	3/22/2021	HOPKINS & CARLEY	LEGAL SERVICES	364.00	City Attorney
Total Amount for 1 Line Item(s) from City Attorney				\$364.00	
City Council					
110440	3/16/2021	US BANK	VISA- ROSTI TUSCAN KITCHEN	254.20	City Council
110440	3/16/2021	US BANK	VISA- PICK-UP STIX	241.59	City Council
110440	3/16/2021	US BANK	VISA- CALABASAS SELF STORAGE	199.00	City Council
110440	3/16/2021	US BANK	VISA- MEDITERRANEAN PITA	179.47	City Council
110502	3/29/2021	CR PRINT	LETTERHEAD	111.15	City Council
110440	3/16/2021	US BANK	VISA- FROM YOU FLOWERS	72.17	City Council
110440	3/16/2021	US BANK	VISA- DAVID LABKOVSKI	72.00	City Council
110440	3/16/2021	US BANK	VISA- LA TIMES	15.83	City Council
110440	3/16/2021	US BANK	VISA- USPS	9.05	City Council
Total Amount for 9 Line Item(s) from City Council				\$1,154.46	
Civic Center O&M					
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	4,919.34	Civic Center O&M



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110510	3/29/2021	HAYNES BUILDING SERVICES, LLC	JANITORIAL SERVICES	4,387.06	Civic Center O&M
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,977.33	Civic Center O&M
110548	4/5/2021	HAYNES BUILDING SERVICES, LLC	JANITORIAL SERVICES	2,559.16	Civic Center O&M
110483	3/22/2021	SECURAL SECURITY CORP	SECURITY- NIGHTLY CIV CTR	1,873.70	Civic Center O&M
110483	3/22/2021	SECURAL SECURITY CORP	SECURITY- NIGHTLY CIV CTR	1,873.70	Civic Center O&M
110500	3/29/2021	CLIMATEC BUILDING	HVAC SERVICES	1,482.56	Civic Center O&M
110500	3/29/2021	CLIMATEC BUILDING	HVAC SERVICES	1,482.55	Civic Center O&M
110526	3/29/2021	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	905.66	Civic Center O&M
110490	3/22/2021	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	821.29	Civic Center O&M
110526	3/29/2021	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	732.24	Civic Center O&M
110555	4/5/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	626.12	Civic Center O&M
110555	4/5/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	506.22	Civic Center O&M
110546	4/5/2021	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- CITY HALL	500.00	Civic Center O&M
110440	3/16/2021	US BANK	VISA- FIRST SECURITY	380.00	Civic Center O&M
110440	3/16/2021	US BANK	VISA- FIRST SECURITY	380.00	Civic Center O&M
110483	3/22/2021	SECURAL SECURITY CORP	SECURITY- SERVICE CALLS	348.26	Civic Center O&M
110483	3/22/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	192.32	Civic Center O&M
110483	3/22/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	192.31	Civic Center O&M
110440	3/16/2021	US BANK	VISA- SPOKANE HARDWARE	127.01	Civic Center O&M
110440	3/16/2021	US BANK	VISA- AMZAZON.COM	84.40	Civic Center O&M
110440	3/16/2021	US BANK	VISA- HOME DEPOT	70.48	Civic Center O&M
110440	3/16/2021	US BANK	VISA- AMZAZON.COM	61.86	Civic Center O&M
110440	3/16/2021	US BANK	VISA- WALMART	35.35	Civic Center O&M
110440	3/16/2021	US BANK	VISA- HOME DEPOT	31.36	Civic Center O&M
110440	3/16/2021	US BANK	VISA- HARBOR FREIGHT/LESLIE'S	24.42	Civic Center O&M
110440	3/16/2021	US BANK	VISA- HARBOR FREIGHT/LESLIE'S	24.42	Civic Center O&M
110440	3/16/2021	US BANK	VISA- WALMART	3.69	Civic Center O&M
Total Amount for 28 Line Item(s) from Civic Center O&M				\$28,602.81	

Community Development

110519	3/29/2021	M6 CONSULTING, INC.	PLAN CHECK SERVICES	22,239.69	Community Development
110519	3/29/2021	M6 CONSULTING, INC.	INSPECTION SERVICES	21,943.76	Community Development
110519	3/29/2021	M6 CONSULTING, INC.	PERMIT SERVICES	15,680.00	Community Development
110451	3/22/2021	CALABASAS CREST LTD	R.A.P.- APR 2021	7,350.00	Community Development
110564	4/5/2021	RINCON CONSULTANTS INC	ENVIRONMENTAL CONSULTING	5,882.50	Community Development
110504	3/29/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	5,469.10	Community Development
110504	3/29/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	2,760.00	Community Development



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110504	3/29/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	1,948.80	Community Development
110503	3/29/2021	CYBERCOPY, INC.	COPY/PRINTING SERVICE	975.01	Community Development
110440	3/16/2021	US BANK	VISA- APA	788.00	Community Development
110533	4/5/2021	ACORN NEWSPAPER	LEGAL ADVERTISING	490.00	Community Development
110533	4/5/2021	ACORN NEWSPAPER	LEGAL ADVERTISING	490.00	Community Development
110440	3/16/2021	US BANK	VISA- CACEO/IAEI	335.00	Community Development
110460	3/22/2021	FLEISHMAN/ALBERT//	R.A.P.- APR 2021	250.00	Community Development
110474	3/22/2021	MEDVETSKY/LINA//	R.A.P.- APR 2021	250.00	Community Development
110457	3/22/2021	CUSATO/JUDITH//	R.A.P.- APR 2021	250.00	Community Development
110470	3/22/2021	LEVY/ESTHER//	R.A.P.- APR 2021	250.00	Community Development
110492	3/22/2021	YAZDINIAN/SUSAN//	R.A.P.- APR 2021	250.00	Community Development
110473	3/22/2021	MCCUNE/SHANNON//	R.A.P.- APR 2021	250.00	Community Development
110464	3/22/2021	HARWOOD/KIM//	R.A.P.- APR 2021	250.00	Community Development
110479	3/22/2021	PLACENCIO/JOLENE//	R.A.P.- APR 2021	250.00	Community Development
110513	3/29/2021	J THAYER COMPANY, INC.	OFFICE SUPPLIES	160.65	Community Development
110528	3/29/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	120.00	Community Development
110552	4/5/2021	J THAYER COMPANY, INC.	OFFICE SUPPLIES	114.93	Community Development
110440	3/16/2021	US BANK	VISA- AEP	72.40	Community Development
110504	3/29/2021	DAPEER, ROSENBLIT & LITVAK	LEGAL SERVICES	40.00	Community Development
110440	3/16/2021	US BANK	VISA- PLANETIZEN	24.95	Community Development
110440	3/16/2021	US BANK	VISA- ZOOM.US	15.74	Community Development
110440	3/16/2021	US BANK	VISA- STAPLES	11.56	Community Development
Total Amount for 29 Line Item(s) from Community Development				\$88,912.09	

Community Services

110518	3/29/2021	LAS VIRGENES UNIFIED SCHOOL	JOINT USE AGREEMENT-AC STELLE	60,420.00	Community Services
110442	3/22/2021	AGOURA HILLS,CALABASAS COM CTR	CONTRIBUTION FY 20/21 SUPP	15,000.00	Community Services
110440	3/16/2021	US BANK	VISA- BARCO PRODUCTS	3,836.93	Community Services
110529	3/29/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- SCHL	3,279.01	Community Services
110440	3/16/2021	US BANK	VISA- JONAS FITNESS	3,091.38	Community Services
110560	4/5/2021	NICHOLSON/TRISSA//	RECREATION INSTRUCTOR	2,408.00	Community Services
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	2,325.23	Community Services
110469	3/22/2021	LAS VIRGENES UNIFIED SCHOOL	ANNUAL BLEACHER SERVICE	2,198.34	Community Services
110510	3/29/2021	HAYNES BUILDING SERVICES, LLC	JANITORIAL SERVICES	2,159.23	Community Services
110486	3/22/2021	SWAN-MCDONALD/DEBORAH//	RECREATION INSTRUCTOR	2,016.00	Community Services
110483	3/22/2021	SECURAL SECURITY CORP	SECURITY- NIGHTLY CIV CTR	1,873.70	Community Services
110565	4/5/2021	SANTA MARIA/NICHOLAS//	RECREATION INSTRUCTOR	1,764.00	Community Services



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110485	3/22/2021	SUPER SOCCER STARS	RECREATION INSTRUCTOR	1,702.40	Community Services
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,570.00	Community Services
110538	4/5/2021	B & B PLUMBING	PLUMBING REPAIRS	1,120.11	Community Services
110505	3/29/2021	DIAL M PRODUCTIONS	ENTERTAINMENT- EGG HUNT	900.00	Community Services
110485	3/22/2021	SUPER SOCCER STARS	RECREATION INSTRUCTOR	820.75	Community Services
110515	3/29/2021	KLOSSNER/JENNY//	RECREATION INSTRUCTOR	768.60	Community Services
110440	3/16/2021	US BANK	VISA- CALABASAS SELF STORAGE	748.00	Community Services
110496	3/29/2021	BLUM/ELIZABETH//	RECREATION INSTRUCTOR	731.50	Community Services
110448	3/22/2021	BELSLEY/JAMES//	RECREATION INSTRUCTOR	646.80	Community Services
110441	3/22/2021	ACORN NEWSPAPER	ADVERTISING	636.80	Community Services
110461	3/22/2021	GINELL/CARY DAVID//	RECREATION INSTRUCTOR	595.00	Community Services
110553	4/5/2021	KLOSSNER/JENNY//	RECREATION INSTRUCTOR	555.10	Community Services
110534	4/5/2021	ALVAREZ/MAX//	RECREATION INSTRUCTOR	546.00	Community Services
110478	3/22/2021	PARTY ZONE/THE//	SOCK HOP EVENT	500.00	Community Services
110440	3/16/2021	US BANK	VISA- ASCAP	368.26	Community Services
110506	3/29/2021	DNA ELECTRIC	ELECTRICAL REPAIRS	335.00	Community Services
110526	3/29/2021	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	290.86	Community Services
110526	3/29/2021	SOUTHERN CALIFORNIA GAS CO	GAS SERVICE	289.05	Community Services
110566	4/5/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- GATES	287.30	Community Services
110566	4/5/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- GRAPE	287.30	Community Services
110440	3/16/2021	US BANK	VISA- 7 ELEVEN	282.13	Community Services
110475	3/22/2021	MILSTEIN/MARC//	RECREATION INSTRUCTOR	252.00	Community Services
110440	3/16/2021	US BANK	VISA- ZAPPLICATIONS	250.00	Community Services
110483	3/22/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- SR CTR	201.09	Community Services
110555	4/5/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	199.82	Community Services
110440	3/16/2021	US BANK	VISA- HOME DEPOT/DIY	196.19	Community Services
110483	3/22/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- CIVIC CTR	192.32	Community Services
110546	4/5/2021	EMERALD COAST PLANTSCAPES, INC	PLANT MAINTENANCE- SR CTR	185.00	Community Services
110532	3/29/2021	WINSTON/AGNES//	RECREATION INSTRUCTOR	170.80	Community Services
110566	4/5/2021	SECURAL SECURITY CORP	PATROL CAR SERVICES- DE ANZA	168.30	Community Services
110454	3/22/2021	CLARK PEST CONTROL	PEST CONTROL SERVICES	150.00	Community Services
110440	3/16/2021	US BANK	VISA- SCMAF	130.00	Community Services
110458	3/22/2021	DEPARTMENT OF JUSTICE	STAFF FINGERPRINTING APPS	128.00	Community Services
110540	4/5/2021	CHARIOT FIRE & ELECTRIC INC.	ALARM MONITORING- CRKSD	120.00	Community Services
110483	3/22/2021	SECURAL SECURITY CORP	ALARM RESPONSE- SR CTR	111.27	Community Services
110498	3/29/2021	CLARK PEST CONTROL	PEST CONTROL SERVICES	111.00	Community Services
110444	3/22/2021	AT&T	TELEPHONE SERVICE	110.73	Community Services
110480	3/22/2021	PORT-A-STOR INC.	STORAGE - A E WRIGHT	109.00	Community Services



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110566	4/5/2021	SECURAL SECURITY CORP	ALARM RESPONSE- CREEKSIDE	84.57	Community Services
110440	3/16/2021	US BANK	VISA- FEDEX OFFICE	68.92	Community Services
110566	4/5/2021	SECURAL SECURITY CORP	ALARM RESPONSE- DE ANZA	68.79	Community Services
110440	3/16/2021	US BANK	VISA- BOBS GARDEN/ROADSIDE	56.88	Community Services
110440	3/16/2021	US BANK	VISA- CONSTANT CONTACT	45.00	Community Services
110440	3/16/2021	US BANK	VISA- HOME DEPOT	36.71	Community Services
110440	3/16/2021	US BANK	VISA- AMAZON.COM	12.86	Community Services
Total Amount for 57 Line Item(s) from Community Services				\$117,512.03	

Finance

110563	4/5/2021	REVENUE & COST SPECIALISTS,	COST ALLOCATION SERVICES	7,000.00	Finance
110493	3/29/2021	ADP, INC	PAYROLL PROCESSING	4,748.08	Finance
110521	3/29/2021	MUNISERVICES, LLC	UUT COMPLIANCE SERVICES	4,280.48	Finance
110440	3/16/2021	US BANK	VISA- GFOA	530.00	Finance
110440	3/16/2021	US BANK	VISA- GFOA	225.00	Finance
110449	3/22/2021	BRINK'S INCORPORATED	BANK SERVICE	200.02	Finance
110449	3/22/2021	BRINK'S INCORPORATED	BANK SERVICE	198.65	Finance
110449	3/22/2021	BRINK'S INCORPORATED	BANK SERVICE	196.84	Finance
110440	3/16/2021	US BANK	VISA- AMAZON.COM	74.78	Finance
110449	3/22/2021	BRINK'S INCORPORATED	BANK SERVICE	19.03	Finance
110449	3/22/2021	BRINK'S INCORPORATED	BANK SERVICE	10.08	Finance
110449	3/22/2021	BRINK'S INCORPORATED	BANK SERVICE	5.27	Finance
Total Amount for 12 Line Item(s) from Finance				\$17,488.23	

Library

110508	3/29/2021	GALE CENGAGE LEARNING INC	E-BOOKS	3,182.05	Library
110495	3/29/2021	BAKER & TAYLOR, LLC	BOOKS-LIBRARY	1,099.13	Library
110445	3/22/2021	AT&T	TELEPHONE SERVICE	443.41	Library
110440	3/16/2021	US BANK	VISA- BOOKLIST MAGAZINE	169.50	Library
110539	4/5/2021	BLACKSTONE PUBLISHING	DVD'S-LIBRARY	158.84	Library
110447	3/22/2021	BARRY KAY ENTERPRISES, INC.	STAFF T-SHIRTS	153.26	Library
110440	3/16/2021	US BANK	VISA- BRODART/SUNSHINE POS	133.21	Library
110539	4/5/2021	BLACKSTONE PUBLISHING	DVD'S-LIBRARY	100.05	Library
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	83.04	Library
110557	4/5/2021	MIDWEST TAPE, LLC	DVD'S-LIBRARY	56.58	Library
110539	4/5/2021	BLACKSTONE PUBLISHING	DVD'S-LIBRARY	44.60	Library



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110440	3/16/2021	US BANK	VISA- BRODART/SUNSHINE POS	-17.73	Library
Total Amount for 12 Line Item(s) from Library				\$5,605.94	
<u>LMD #22</u>					
110568	4/5/2021	THE OAKS OF CALABASAS HOA	LANDSCAPE SERVICES	25,830.00	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	13,130.18	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	12,457.25	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	7,962.00	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	7,367.20	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	6,180.98	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,082.39	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	4,152.45	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,989.91	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,659.00	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,642.00	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,108.00	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,084.03	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,365.10	LMD #22
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,332.00	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,841.80	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,722.00	LMD #22
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,292.52	LMD #22
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	550.00	LMD #22
110559	4/5/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	300.00	LMD #22
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	147.47	LMD #22
110484	3/22/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	14.70	LMD #22
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	10.88	LMD #22
Total Amount for 23 Line Item(s) from LMD #22				\$110,221.86	
<u>LMD #24</u>					
110440	3/16/2021	US BANK	VISA- DOG WASTE	350.68	LMD #24
110440	3/16/2021	US BANK	VISA- DOG WASTE	268.86	LMD #24
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	69.58	LMD #24
110440	3/16/2021	US BANK	VISA- RALPHS	5.20	LMD #24
110440	3/16/2021	US BANK	VISA- RALPHS	5.19	LMD #24
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	3.34	LMD #24



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Total Amount for 6 Line Item(s) from LMD #24				\$702.85	
LMD #27					
110558	4/5/2021	MONT CALABASAS ASSOCIATION	LANDSCAPE SERVICES	44,295.00	LMD #27
110558	4/5/2021	MONT CALABASAS ASSOCIATION	LANDSCAPE SERVICES	3,797.00	LMD #27
110484	3/22/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	15.42	LMD #27
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	1.08	LMD #27
Total Amount for 4 Line Item(s) from LMD #27				\$48,108.50	
LMD #32					
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	14.87	LMD #32
110484	3/22/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	13.62	LMD #32
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	0.11	LMD #32
Total Amount for 3 Line Item(s) from LMD #32				\$28.60	
LMD 22 - Common Benefit Area					
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	10,046.05	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	9,476.00	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	5,958.33	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,547.00	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,523.64	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	3,220.01	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	2,738.46	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	1,955.28	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	727.02	LMD 22 - Common Benefit Area
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	408.00	LMD 22 - Common Benefit Area
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- LMD	352.36	LMD 22 - Common Benefit Area
110484	3/22/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	228.79	LMD 22 - Common Benefit Area
110559	4/5/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	215.00	LMD 22 - Common Benefit Area
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	16.05	LMD 22 - Common Benefit Area
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	12.88	LMD 22 - Common Benefit Area
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	8.29	LMD 22 - Common Benefit Area
Total Amount for 16 Line Item(s) from LMD 22 - Common Benefit Area				\$42,433.16	



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Media Operations					
110550	4/5/2021	INSIGHT PUBLIC SECTOR, INC.	COMPUTER SOFTWARE	10,761.58	Media Operations
110530	3/29/2021	VERIZON WIRELESS	TELEPHONE SERVICE	6,298.94	Media Operations
110536	4/5/2021	AT&T	TELEPHONE SERVICE	1,149.26	Media Operations
110440	3/16/2021	US BANK	VISA- CONSTANT CONTACT	1,064.00	Media Operations
110547	4/5/2021	FUSION CLOUD COMPANY	DSL SERVICE	598.28	Media Operations
110522	3/29/2021	NATIONAL CAPTIONING INSTITUTE	CLOSED CAPTIONING SVCS	525.00	Media Operations
110440	3/16/2021	US BANK	VISA- ZOOM.US	517.98	Media Operations
110569	4/5/2021	TIME WARNER CABLE	CABLE MODEM- CITY HALL	506.20	Media Operations
110569	4/5/2021	TIME WARNER CABLE	CABLE MODEM- CITY HALL	289.98	Media Operations
110440	3/16/2021	US BANK	VISA- NETWORK SOLUTIONS	249.90	Media Operations
110536	4/5/2021	AT&T	TELEPHONE SERVICE	166.16	Media Operations
110440	3/16/2021	US BANK	VISA- AMAZON.COM	148.65	Media Operations
110509	3/29/2021	GRACENOTE MEDIA SERVICES	CTV GUIDE LISTING	109.04	Media Operations
110541	4/5/2021	CHARTER COMMUNICATIONS	CABLE MODEM- CITY HALL	100.31	Media Operations
110440	3/16/2021	US BANK	VISA- NATOA	80.00	Media Operations
110440	3/16/2021	US BANK	VISA- ANGELAS FLORIST	75.08	Media Operations
110537	4/5/2021	AT&T MOBILITY	TELEPHONE SERVICE	48.24	Media Operations
110440	3/16/2021	US BANK	VISA- MICROSOFT	25.00	Media Operations
110440	3/16/2021	US BANK	VISA- USPS	24.30	Media Operations
Total Amount for 19 Line Item(s) from Media Operations				\$22,737.90	
Non-Departmental - Finance					
110459	3/22/2021	EMPLOYMENT DEVELOPMENT	UNEMPLOYMENT INSURANCE	22,026.54	Non-Departmental - Finance
110483	3/22/2021	SECURAL SECURITY CORP	PARKING ENFORCEMENT	3,739.49	Non-Departmental - Finance
110520	3/29/2021	MICHAEL BAKER INTERNATIONAL	PROFESSIONAL SERVICES	2,360.00	Non-Departmental - Finance
110440	3/16/2021	US BANK	VISA- LANDSEND BUSINESS	539.71	Non-Departmental - Finance
110440	3/16/2021	US BANK	VISA- AMAZON.COM	525.31	Non-Departmental - Finance
110440	3/16/2021	US BANK	VISA- COSTCO	310.80	Non-Departmental - Finance
110562	4/5/2021	READYREFRESH BY NESTLE	WATER SERVICE	269.87	Non-Departmental - Finance
110572	4/5/2021	WAXIE SANITARY SUPPLY	JANITORIAL SERVICES	220.32	Non-Departmental - Finance
110482	3/22/2021	READYREFRESH BY NESTLE	WATER SERVICE	190.16	Non-Departmental - Finance
110440	3/16/2021	US BANK	VISA- AMAZON.COM	145.61	Non-Departmental - Finance
110456	3/22/2021	CORODATA RECORDS MANAGEMENT,	STORAGE SERVICES	109.00	Non-Departmental - Finance
110440	3/16/2021	US BANK	VISA- DOLLAR TREE/SMART FINAL	27.75	Non-Departmental - Finance



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Total Amount for 12 Line Item(s) from Non-Departmental - Finance				\$30,464.56	
<u>Payroll</u>					
110452	3/22/2021	CATE/CHARLES R.//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110455	3/22/2021	COROALLES/ANTHONY//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110462	3/22/2021	GROVEMAN/BARRY//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110465	3/22/2021	HILL/BOB//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110471	3/22/2021	LOPATA/MARVIN//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110472	3/22/2021	LYSIK/GARY J//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110477	3/22/2021	PARKER/ROBIN//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110489	3/22/2021	WASHBURN/DENNIS//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110491	3/22/2021	WOLFSON/JONATHON//	HEALTH INS REIMB (RETIREE)	699.94	Payroll
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	621.30	Payroll
110561	4/5/2021	P&A ADMINISTRATIVE SVCS INC	FSA MONTHLY ADMIN FEE- APR 21	54.00	Payroll
Total Amount for 11 Line Item(s) from Payroll				\$6,974.76	
<u>Police / Fire / Safety</u>					
110554	4/5/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- FEB 2021	404,953.06	Police / Fire / Safety
110554	4/5/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- FEB 2021	10,423.19	Police / Fire / Safety
110516	3/29/2021	L.A. CO. DEPT. OF ANIMAL CARE	ANIMAL HOUSING SVCS- FEB 2021	2,382.42	Police / Fire / Safety
110554	4/5/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- THE OAKS	1,307.07	Police / Fire / Safety
110467	3/22/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- THE OAKS	1,005.44	Police / Fire / Safety
110554	4/5/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- CAL PARK EST	502.72	Police / Fire / Safety
110554	4/5/2021	L.A. CO. SHERIFF'S DEPT.	SHERIFF SVCS- FEB 2021	387.50	Police / Fire / Safety
Total Amount for 7 Line Item(s) from Police / Fire / Safety				\$420,961.40	
<u>Public Safety & Emergency Preparedness</u>					
110440	3/16/2021	US BANK	VISA- MACKAY COMMUNICATIONS	1,431.94	Public Safety & Emergency Preparedness
110440	3/16/2021	US BANK	VISA- PAPA SYSTEMS	125.00	Public Safety & Emergency Preparedness
110440	3/16/2021	US BANK	VISA- STAPLES/ZUGU CASE	88.76	Public Safety & Emergency Preparedness
Total Amount for 3 Line Item(s) from Public Safety & Emergency Preparedness				\$1,645.70	
<u>Public Works</u>					



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110443	3/22/2021	ALL AMERICAN ASPHALT	2020 CITYWIDE OVERLAY	67,046.98	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	17,750.85	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	16,514.73	Public Works
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	16,514.73	Public Works
110499	3/29/2021	CLEANSTREET INC	MONTHLY SVC - STREET SWEEPING	8,328.66	Public Works
110559	4/5/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	7,500.00	Public Works
110511	3/29/2021	INTERWEST CONSULTING GROUP	TRAFFIC ENGINEERING SVCS	7,120.00	Public Works
110501	3/29/2021	COUNTY OF LOS ANGELES	CONTRACT SERVICES	6,604.39	Public Works
110453	3/22/2021	CITIZENS BUSINESS BANK	ESCROW #2670 2020 OVERLAY	3,528.79	Public Works
110512	3/29/2021	ISSAKHANI/MARINA//	CONSULTING SERVICES	2,100.00	Public Works
110559	4/5/2021	NEWBURY PARK TREE SERVICE INC	TREE TRIMMING/REMOVAL SVCS	900.00	Public Works
110543	4/5/2021	CONVERSE CONSULTANTS	CONSULTING SERVICES	725.00	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	469.00	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	469.00	Public Works
110524	3/29/2021	QUIZON/MA ARIANE//	CONSULTING SERVICES	400.00	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	381.00	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	302.00	Public Works
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	301.00	Public Works
110481	3/22/2021	QUIZON/MA ARIANE//	CONSULTING SERVICES	300.00	Public Works
110481	3/22/2021	QUIZON/MA ARIANE//	CONSULTING SERVICES	300.00	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	281.00	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	245.00	Public Works
110551	4/5/2021	INTERWEST CONSULTING GROUP	PROFESSIONAL SERVICES	240.00	Public Works
110440	3/16/2021	US BANK	VISA- SMITH PIPE & SUPPLY	154.41	Public Works
110528	3/29/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	150.00	Public Works
110528	3/29/2021	VALLEY NEWS GROUP	LEGAL ADVERTISING	150.00	Public Works
110488	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- PARKS	146.00	Public Works
110484	3/22/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	142.60	Public Works
110440	3/16/2021	US BANK	VISA- BNI BUILDING/APPLE.COM	119.79	Public Works
110551	4/5/2021	INTERWEST CONSULTING GROUP	PROFESSIONAL SERVICES	80.00	Public Works
110571	4/5/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- P.W.	74.50	Public Works
110440	3/16/2021	US BANK	VISA- AMAZON.COM	72.91	Public Works
110535	4/5/2021	ARC DOCUMENT SOLUTIONS, LLC	COPY/PRINTING SERVICE	57.26	Public Works
110440	3/16/2021	US BANK	VISA- TARGET	43.78	Public Works
110530	3/29/2021	VERIZON WIRELESS	TELEPHONE SERVICE	38.01	Public Works
110440	3/16/2021	US BANK	VISA- AMAZON.COM	36.41	Public Works
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	29.98	Public Works
110440	3/16/2021	US BANK	VISA- HOSE MAN/HOME DEPOT	21.97	Public Works



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110440	3/16/2021	US BANK	VISA- AMAZON.COM	16.74	Public Works
110440	3/16/2021	US BANK	VISA- AMAZON.COM	14.22	Public Works
110440	3/16/2021	US BANK	VISA- DIY/HOME DEPOT	13.88	Public Works
110440	3/16/2021	US BANK	VISA- DIY/HOME DEPOT	10.93	Public Works
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	5.60	Public Works
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	3.12	Public Works
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	3.02	Public Works
110440	3/16/2021	US BANK	VISA- BNI BUILDING/APPLE.COM	2.99	Public Works
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	2.58	Public Works
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	1.62	Public Works

Total Amount for 48 Line Item(s) from Public Works

\$159,714.45

Recoverable / Refund / Liability

110476	3/22/2021	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	3,430.12	Recoverable / Refund / Liability
110556	4/5/2021	LYSIK/CARSON//	EMPLOYEE COMPUTER LOAN	2,988.90	Recoverable / Refund / Liability
110463	3/22/2021	GUREVITCH/COSTA//	REFUND- DUPLICATE PAYMENT	336.00	Recoverable / Refund / Liability
110523	3/29/2021	P&A ADMINISTRATIVE SVCS INC	FSA-MED CARE REIMBURSEMENT	147.02	Recoverable / Refund / Liability
110549	4/5/2021	HUNT/STEVE//	REFUND OVERPAYMENT	18.00	Recoverable / Refund / Liability

Total Amount for 5 Line Item(s) from Recoverable / Refund / Liability

\$6,920.04

Tennis & Swim Center

110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	1,787.71	Tennis & Swim Center
110468	3/22/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,582.41	Tennis & Swim Center
110542	4/5/2021	COMMERCIAL AQUATIC SVCS	POOL SERVICE/REPAIR	830.49	Tennis & Swim Center
110514	3/29/2021	JONAS FITNESS INC	SOFTWARE SERVICES	799.00	Tennis & Swim Center
110487	3/22/2021	TIME WARNER CABLE	CABLE MODEM/HDTV- T&SC	708.22	Tennis & Swim Center
110497	3/29/2021	CASAS/JORGE//	FITNESS EQUIPMENT REPAIRS	700.00	Tennis & Swim Center
110531	3/29/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	648.68	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- MCCALLA COMPANY	430.34	Tennis & Swim Center
110444	3/22/2021	AT&T	TELEPHONE SERVICE	396.10	Tennis & Swim Center
110514	3/29/2021	JONAS FITNESS INC	SOFTWARE SERVICES	387.95	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- PYRAMID PIPE & SUPPLY	331.67	Tennis & Swim Center
110531	3/29/2021	WATERLINE TECHNOLOGIES INC	POOL CHEMICALS	299.34	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- HOME DEPOT	285.03	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- OFFICE DEPOT	271.46	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- AMAZON.COM	221.55	Tennis & Swim Center



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110440	3/16/2021	US BANK	VISA- MCCALLA COMPANY	218.78	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- LIFEGUARD STORE	171.90	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- CHEVRON	144.48	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- VISTA PAINT	128.18	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- WMS AQUATICS	103.75	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- CONSTANT CONTACT	100.00	Tennis & Swim Center
110566	4/5/2021	SECURAL SECURITY CORP	ALARM RESPONSE- T&SC	85.71	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- CHEVRON	48.16	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- CRAIGSLIST	45.00	Tennis & Swim Center
110440	3/16/2021	US BANK	VISA- PERFORMANCE HEALTH	23.32	Tennis & Swim Center
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	15.62	Tennis & Swim Center
110555	4/5/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	15.00	Tennis & Swim Center
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	4.85	Tennis & Swim Center
Total Amount for 28 Line Item(s) from Tennis & Swim Center				\$10,784.70	

Transportation

110450	3/22/2021	C.A. RASMUSSEN, INC.	CONSTRUCTION SERVICES- SMRT PK	246,591.50	Transportation
110446	3/22/2021	BANNER BANK	RONDELL SMRT PK- RETENTION	12,978.50	Transportation
110507	3/29/2021	FUSCOE ENGINEERING, INC.	ENGINEERING SERVICES	7,633.63	Transportation
110567	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	5,399.41	Transportation
110494	3/29/2021	ALL CITY MANAGEMENT SVCS, INC.	SCHOOL CROSSING GUARD SVCS	2,124.90	Transportation
110520	3/29/2021	MICHAEL BAKER INTERNATIONAL	PROFESSIONAL SERVICES- MUL HWY	1,886.41	Transportation
110511	3/29/2021	INTERWEST CONSULTING GROUP	PROFESSIONAL SERVICES	1,600.00	Transportation
110527	3/29/2021	TOYOTA FINANCIAL SERVICES	LEASE PAYMENT- MAR 2021	1,394.76	Transportation
110519	3/29/2021	M6 CONSULTING, INC.	PROFESSIONAL SERVICES	520.00	Transportation
110484	3/22/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	487.67	Transportation
110525	3/29/2021	SIEMENS MOBILITY, INC	TRAFFIC SIGN MAINTENANCE	442.50	Transportation
110440	3/16/2021	US BANK	VISA- AMAZON.COM	319.66	Transportation
110440	3/16/2021	US BANK	VISA- CHEVRON/SHELL/7-11	248.62	Transportation
110440	3/16/2021	US BANK	VISA- HOSE MAN/HOME DEPOT	224.82	Transportation
110517	3/29/2021	LA DWP	TRAFFIC METER SERVICE	162.00	Transportation
110440	3/16/2021	US BANK	VISA- DIY/HOME DEPOT	124.36	Transportation
110440	3/16/2021	US BANK	VISA- VIOC	116.99	Transportation
110440	3/16/2021	US BANK	VISA- AT&T	94.51	Transportation
110544	4/5/2021	COUNTY OF LOS ANGELES	CONTRACT SERVICES	77.06	Transportation
110440	3/16/2021	US BANK	VISA- AMERICA TIRE/SHELL OIL	50.00	Transportation
110440	3/16/2021	US BANK	VISA- AMERICA TIRE/SHELL OIL	32.99	Transportation



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110440	3/16/2021	US BANK	VISA- CALABASAS SINCLAIR	30.18	Transportation
110440	3/16/2021	US BANK	VISA- CHEVRON	28.93	Transportation
110440	3/16/2021	US BANK	VISA- CALABASAS SINCLAIR	27.85	Transportation
110440	3/16/2021	US BANK	VISA- CHEVRON	25.00	Transportation
110440	3/16/2021	US BANK	VISA- CHEVRON	24.83	Transportation
110440	3/16/2021	US BANK	VISA- SHELL OIL	23.05	Transportation
110440	3/16/2021	US BANK	VISA- CHEVRON	12.00	Transportation
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	5.60	Transportation
110545	4/5/2021	CSAC-EXCESS INSURANCE	EAP/APR-JUNE 2020	5.39	Transportation
Total Amount for 30 Line Item(s) from Transportation				\$282,693.12	
GRAND TOTAL for 372 Line Items				\$1,405,892.43	



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Tennis & Swim Center					
14009	3/29/2021	BLUE SHIELD OF CA	INSURANCE EXPENSE	7,315.83	Tennis & Swim Center
14005	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	3,862.71	Tennis & Swim Center
14014	4/5/2021	SOUTHERN CALIFORNIA EDISON	ELECTRIC SERVICE	3,841.83	Tennis & Swim Center
14003	3/22/2021	LAS VIRGENES MUNICIPAL WATER	WATER SERVICE	1,582.42	Tennis & Swim Center
14006	3/22/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	1,195.96	Tennis & Swim Center
14012	3/29/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	1,195.96	Tennis & Swim Center
14006	3/22/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	1,174.12	Tennis & Swim Center
14006	3/22/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	1,087.12	Tennis & Swim Center
14012	3/29/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	1,087.12	Tennis & Swim Center
14011	3/29/2021	UNIFIRST CORPORATION	JANITORIAL SUPPLIES	1,030.97	Tennis & Swim Center
14007	3/22/2021	XEROX FINANCIAL SERVICES	ADMINISTRATIVE EXPENSES	585.43	Tennis & Swim Center
14010	3/29/2021	COLLINS COMPANY	FACILITY EXPENSE	582.41	Tennis & Swim Center
14015	4/5/2021	UNIFIRST CORPORATION	JANITORIAL SUPPLIES	525.43	Tennis & Swim Center
14004	3/22/2021	UNIFIRST CORPORATION	JANITORIAL SUPPLIES	494.39	Tennis & Swim Center
14016	4/5/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	487.44	Tennis & Swim Center
14001	3/22/2021	DESIGNSCAPE	PLANT MAINTENANCE- T&SC	480.00	Tennis & Swim Center
14015	4/5/2021	UNIFIRST CORPORATION	JANITORIAL SUPPLIES	398.16	Tennis & Swim Center
14006	3/22/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	364.88	Tennis & Swim Center
14008	3/29/2021	BLUE SHIELD OF CA	INSURANCE EXPENSE	330.30	Tennis & Swim Center
14016	4/5/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	222.49	Tennis & Swim Center
14005	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	215.46	Tennis & Swim Center
14005	3/22/2021	VENCO WESTERN, INC.	LANDSCAPE MAINTENANCE- T&SC	160.00	Tennis & Swim Center
14006	3/22/2021	WILSON SPORTING GOODS	FACILITY EXPENSE	103.66	Tennis & Swim Center
14013	4/5/2021	ADP, INC	ADMINISTRATIVE EXPENSES	99.37	Tennis & Swim Center
14002	3/22/2021	IMAGE SOURCE	ADMINISTRATIVE EXPENSES	2.20	Tennis & Swim Center
Total Amount for 25 Line Item(s) from Tennis & Swim Center				\$28,425.66	
GRAND TOTAL for 25 Line Items				\$28,425.66	

Department	Agenda Headings	Agenda Title/Future Agenda
28-Apr		
1	8-Jan Consent	Adoption of Resolution No. 2021-1725, initiating proceedings for the levy and collection of assessments in connection with Landscape Maintenance District No. 22 and Landscape Lighting Act District Nos. 22, 24, 27, and 32 for Fiscal Year 2021-2022; Adoption of Resolution No. 2021-1726, approving a preliminary Engineer's Report with respect to the levy and collection of assessments in connection with the Landscape Lighting Act District Nos. 22, 24, 27, and 32 for Fiscal Year 2021-2022; Adoption of Resolution No. 2021-1727 declaring its intent to levy and collect assessments within Landscape Maintenance District No. 22 and Landscape Lighting Act District Nos. 22, 24, 27, and 32 and setting a time and place for a public hearing
2	CC	New Business Discussion of comments to the California Redistricting Commission
3	CD	New Business Calabasas Village Mobile Home Park Memorandum of Understanding

Future Items

4	CC	Consent	Adoption of Resolution No. 2021-_____, reaffirming and extending the existence of a Local State of Emergency due to the Novel Coronavirus COVID-19 Pandemic
5	CD	Public Hearing	West Village Project
6	PS	New Business	Use of technology (satellite phones) during emergencies
7	CC	New Business	Climate Action Plan
8	PW	New Business	Public meeting regarding Landscape Maintenance District No. 22 and Landscape Lighting Act District Nos. 22, 24, 27 & 32 Assessment Proceedings
9	CC	Closed Session	Craftsman's Corner annexation
10	CD	New Business	Exemption to short term rental registration referred to the PC
11	CC	Special	Council priority setting session/workshop
12	CC	New Business	Council discussion on the use Woolsey Fire settlement funds
13	CD	New Business	Recommendation by staff regarding senior affordable housing
14	CD	New Business	Code amendment regarding amendments to the City's Story Pole Procedures
15	PW	Public Hearing	Public Hearing regarding Landscape Lighting Act District Levy of Assessments; Adoption of Resolution 2021-17__, approving a final Engineer's Report in connection with Landscape Lighting Act District assessments for Fiscal Year 2021-2022
16	HR	New Business	HR Guidelines update
17	FIN	New Business	Cost Plan Allocation
18	PW	New Business	Environmental Commission recommendation regarding gas leaf blowers
19	CM	New Business	Discussion on how to be best engage/use Commissions
20	PW	New Business	PS and TTC recommendation regarding Automatic Plate Readers Report
21	PW	New Business	Update regarding anticoagulants
22	CD/Finance	New Business	Annexation update
23	PW	New Business	MTA's review of fare-free transit services
24	CA	New Business	Closed session regarding State's mandate for affordable housing
25	CC	Presentation	Chuck Becerra and Sheriff's discussion on use of force
26	CC	New Business	Council Protocols regarding email policy and State of the City

2021 Meeting Dates

May 12	Sep 8 - Canceled-Rosh Hashanah
May 26	Sep 22 - Canceled-League of California Cities Annual Conference/Expo
Jun 9	Oct 13
Jun 23	Oct 27
Jul 14 - Canceled	Nov 10
Jul 28 - Canceled	Nov 24 - Canceled-Thanksgiving Eve
Aug 11	De 8 - Council Reorganization
Aug 25	Dec 22 - Canceled