

Community Development Department Planning Division 100 Civic Center Way

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www.cityofcalabasas.com

November 10, 2021

Smartlink LLC Attn: Christopher Pell 3330 Irvine Ave Suite 300 Newport Beach, CA 92660

Subject: Notice of Decision for Small Wireless Facility Permit WTF1-2021-003

Dear Applicant,

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

FILE NO.: WTF1-2021-003. A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing AT&T wireless facility on the roof of the existing building located at 23945 Calabasas Rd, within the Commercial Mixed Use (CMU) zoning district. The applicant is proposing to remove and replace existing panel antennas and RRUs, and to replace existing equipment within the equipment room.

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

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

Sincerely.

Jaclyn Rackerby Associate Planner



COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: WTF1-2021-003

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1

Permit to modify an existing AT&T wireless facility on the roof of the existing building located at 23945 Calabasas Rd, within the Commercial Mixed Use (CMU) zoning district. The applicant is proposing to remove and replace existing panel antennas and RRUs, and to replace existing equipment within

the equipment room.

APPLICANT: Smartlink LLC

BACKGROUND:

On July 7, 2021, Smartlink LLC filed an application for Minor Modification Permit No. WTFM-2021-002 on behalf of AT&T to upgrade an existing wireless telecommunication facility located on the roof of the existing building at 23945 Calabasas Rd, within the Commercial Mixed Use (CMU) zoning district. The application was reviewed by staff and deemed incomplete on July 23, 2021, and on September 3, 2021. Following the September 3, 2021 notice of incompleteness, the application was deemed withdrawn, due to the fact that staff determined the project did not qualify for Section 6409(a) processing because of unpermitted modifications at the existing site.

On October 14, 2021, Smartlink LLC subsequently filed an application for Tier 1 Permit No. WTF1-2021-003 on behalf of AT&T to upgrade the equipment at the facility. The proposed scope of work qualifies for a Tier 1 permit but not a minor modification permit due to the fact that the first finding for a minor modification permit is that the site has been maintained with all necessary permits in good standing, whereas a Tier 1 permit does not have the same required finding.

The existing Verizon facility was legalized in 2010, (approved Planning Commission Resolution No. 2010-467) and updated in 2014 (Administrative Plan Review, Scenic Corridor Permit and Wireless Telecommunication Facility Permit, File No. 140000056), and in 2017 (Wireless Facility Minor Modification Permit, File No. 160003203) with approvals to upgrade equipment at the existing facility.

The proposed project includes the removal and replacement of existing antennas and RRUs, and the installation of equipment within the existing equipment room. The project was reviewed by staff to ensure compliance with Section 17.31.040 of the Calabasas Municipal Code.

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STAFF ANALYSIS:

- 1. <u>Current Site Condition</u>: The subject site is located at 23945 Calabasas Rd, within the Commercial Mixed Use (CMU) zoning district. The existing AT&T facility is a roof-mounted wireless facility, with all equipment behind an FRP screen & parapet wall designed to match the colors & materials of the building's roof. The existing facility was originally legalized January 7, 2010, and subsequently modified and approved in 2014 and 2017. The current facility is made up of eight panel antennas and associated equipment located within an equipment room on the roof of the building, screened from view of the public right-of-ways.
- 2. Proposed Project: The applicant is requesting permission to upgrade an existing Wireless Telecommunications Facility that qualifies for processing as a "Tier 1" Wireless facility permit, as defined in Section 17.31.040 of the Calabasas Municipal Code (CMC). The proposal includes the replacement of existing antennas, RRUs, and equipment within the existing equipment room. The existing facility is considered a 'stealth' facility and meets the stealth design criteria established by the City's wireless telecommunication facility design guidelines, and the proposed project will maintain the same stealth design.
- 3. Calabasas Municipal Code Requirements: Section 17.31.040 of the CMC regulates the construction, maintenance, and modification of 'stealth' wireless telecommunication facilities within the City of Calabasas via a Tier 1 Wireless Telecommunication Facility Permit. In accordance with Section 17.31.040(B) of the CMC, the ordinance applies to existing facilities which have been previously approved but are now or hereafter modified to meet the 'stealth' standards of Section 17.31.040(C) of the CMC. As a result, the applicant has filed for a Tier 1 Wireless Telecommunication Facility Permit to perform the requested modifications.

FINDINGS:

Section 17.31.040(F) stipulates that the Director may approve an application for 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;

The project site is an existing roof-mounted wireless facility located at 23945 Calabasas Rd, with all equipment screened from view. The proposed project involves modifications to the existing site equipment, including removal and replacement of existing antennas and RRUs. The proposed project meets all the standards for wireless telecommunication facilities not located within the public right-of-way, as outlined in Section 17.31.030(A)(2) of the CMC. Additionally, the proposed project

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meets the standards of Section 17.31.040(C)(2) for Tier 1 facilities not located within a public right-of-way, including that the facility meets the stealth design criteria established by the City's Wireless Telecommunication Facility Design Guidelines. As a result, the proposed project meets this finding.

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;

The existing facility is designed as a 'stealth' facility, with all equipment located behind FRP screen walls with a faux roof tile element designed to match the subject site's roof in colors & materials. Additionally, the roof-mounted equipment room is screened from view by parapet walls. Because the wireless facility is designed to be screened from view and is architecturally integrated with the surrounding building design to minimize adverse impact, the existing facility is designed as a stealth facility.

The proposed project involves removal and replacement of existing equipment behind FRP screen walls and within the existing equipment room. The 'stealth' design of the site is not being altered with the proposed project, and all screening methods utilized by the existing facility will remain in place for the proposed project. As a result, the proposed project meets this finding.

ENVIRONMENTAL REVIEW:

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

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CONDITIONS OF APPROVAL:

See the attached conditions in Exhibit A.

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

Chris Pell	11/15/2021
Applicant/Carrier Representative	Date

DECISION:

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

- 1. All applicable codes and regulations including the City of Calabasas Land Use and Development Code and the City's General Plan;
- 2. Plans provided by the applicant, as well as any written information; and
- 3. All related documents, including any necessary environmental documents in order to comply with the California Environmental Quality Act (CEQA), received and/or submitted to the Department.

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

X Approved	Denied	
July Rukely		11/10/2021
Jaclyn Rackerby, Associate Pla	anner	Date

ATTACHMENTS:

Exhibit A: Conditions of Approval

Exhibit B: Project Plans



COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

EXHIBIT A: CONDITIONS OF APPROVAL

FILE NO.: WTF1-2021-003

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1

Permit to modify an existing AT&T wireless facility on the roof of the existing building located at 23945 Calabasas Rd, within the Commercial Mixed Use (CMU) zoning district. The applicant is proposing to remove and replace existing panel antennas and RRUs, and to replace existing equipment within

the equipment room.

APPLICANT: Smartlink LLC

1. The City has determined that City, its employees, agents, and officials should, to the fullest extent permitted by law, be fully protected from any loss, injury, damage, claim, lawsuit, expense, attorney fees, litigation expenses, court costs or any other costs arising out of or in any way related to this File No. WTF1-2021-003 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No WTF1-2021-003 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Smartlink LLC (applicant) and AT&T (carrier), and their successors shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to this File No. WTF1-2021-003 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTF1-2021-003 and the issuance of any permit or entitlement in connection therewith Smartlink LLC (applicant) and AT&T (carrier), and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.

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

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

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

- 10. No additional equipment not included or specified in the stamped approved plans may be installed on the subject site under this permit.
- 11. Compliance With Previous Approvals. The grant or approval of a Tier 1 wireless facility permit shall be subject to the conditions of approval of the underlying permit.
- 12. 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.
- 13. 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.
- 14. 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.
- 15. Compliance With Approved Plans. The proposed project shall be built in compliance with the approved plans on file with the planning division.
- 16. 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

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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 remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

- 17. Permittee shall keep the rooftop access hatches/doors locked at all times, except when active maintenance is performed on the rooftop or equipment.
- 18. Permittee shall ensure that all required radio frequency signage be installed and maintained at all times in good condition. All such radio frequency signage be constructed of hard materials and be UV stabilized. All radio frequency signage must comply with the sign colors, sign sizes, sign symbols, and sign panel layouts in conformance with ANSI Z535.1, ANSI Z535.2, and ANSI C95.2-2007 standards. All such radio frequency signage, or additional signage immediately adjacent to the radio frequency signage, shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.
- 19. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2-2007 standards that are applicable to the project site approved herein are changed, Permittee, within 30 days of each such change, at its own cost and expense, shall replace the signage at the project site to comply with the then current standards.



WIRELESS PLANNING MEMORANDUM

TO: Ms. Jaclyn Rackerby

FROM: Dr. Jonathan Kramer

DATE: November 4, 2021/

RE: WTFM 2021-003 Technical Review for Proposed

Modifications to Building-Mounted Wireless Site at 23945

Calabasas Road

Applicant: Smartlink, LLC **Carrier:** AT&T Mobility

1. Summary

The City of Calabasas (the "City") requested that Telecom Law Firm, PC ("TLF") review the Smartlink, LLC ("the Applicant") application submitted on behalf of AT&T Mobility ("AT&T") to modify its existing wireless site located at 23945 Calabasas Road.

TLF notes that in July 2021, the Applicant had submitted a similar modification request under City application WTFM-2021-002. That application was withdrawn since it was determined that the project did not qualify for Section 6409(a) processing. This was because the plans within WTFM-2021-002 indicated that the previously proposed and permitted antenna and associated equipment configuration depicted within the plans stamped approved by the City dated 6/21/17 under file number 160003203 did not match.

After the withdrawal of the WTFM-2021-002, the Applicant has now submitted this application to be processed under WTFM 2021-003. This application will be processed under 17.31.040 - Tier 1 wireless telecommunication facility permit.

If AT&T follows all the of the recommended RF emissions mitigation measures (signage and barriers), it will be able to demonstrate planned compliance with the FCC Rules for the current site design. Any redesign of this project that changes the antennas, locations, or emissions will necessitate a re-review of the planned emissions.

Ms. Jaclyn Rackerby WTFM 2021-003 (Smartlink/AT&T) November 4, 2021 Page 2 of 10

2. Project Background and Description

This memorandum focuses its review to the initial questions: (1) whether Tier 1 applies to this proposal, and (2) whether the project demonstrates planned compliance with the FCC's radio frequency exposure guidelines.

The City requested that TLF review the materials submitted on behalf of AT&T to modify an existing wireless facility mounted on a building rooftop behind fiber reinforced plastic ("FRP") screens located at 23945 Calabasas Road.

On October 14, 2021, the Applicant submitted application materials to the City. The Applicant submitted plans dated August 6, 2021 ("Plans").

The Plans depict that AT&T currently operates eight panel antennas evenly distributed in two sectors (four antennas at Sector A oriented towards 70° True North ("TN"), and four antennas at Sector B oriented towards 250°TN. Furthermore, AT&T operates remote radio units ("RRUs") at the two sectors. Also, AT&T operates DC power surge suppressors ("Raycaps"). Now, AT&T proposes to remove and replace some of its panel antennas, remove and replace RRUs and relocate some of the associated equipment within Sector B. For an overview of the proposal, see Figure 1.



PROJECT DESCRIPTION THE PROJECT WILL BE COMPRISED OF MODIFICATION TO ATAIT ANTENNA ARRAY: REMOVE (4) (E) (CCI - HPA-65R-BUU-H4-K) ANTENNAS REMOVE (2) (E) (COMMSCOPE - DBXLH-6565A-R2M) ANTENNAS RELOCATE (2) (E) (CCI - OPA-65R-LCUU-H4-K) ANTENNAS RELOCATE (2) (E) (CCI - OPA-65R-LCUU-H4-K) ANTENNAS REMOVE (2) (E) 700 (RRUS-11) RRUS REMOVE (2) (E) AWS (RRUS-11 + RRUS-A2) RRUS REMOVE (2) (E) (DC6) SQUIDS INSTALL (2) (N) 700 (RRUS-32 B66) RRUS INSTALL (2) (N) AWS (RRUS 4449 B5/B12) RRUS INSTALL (2) (N) 1900 (RRUS 4478 B14) RRUS INSTALL (6) (N) (COMMSCOPE NNHH-85A-R4-V2) ANTENNAS INSTALL (2) (N) (DC9-48-60-24-PC16-EV) SQUIDS INSTALL (1) (N) SITE PRO 1 RT-RRU10HD NON-PENETRATING RRU MOUNT EDGE TO EDGE SEPARATION: - ALPHA: 24"/24"/24" - BETA: 36"/36"/36" MFICATION TO ATAIT EQUIPMENT ENCLOSURE: REMOVE EXISTING ALPHA PATHENDER +24VDC POWER PLANT, INSTALL NEW VERTIV NETSURE 7100 -48VDC POWER PLANT [NEQ. 15920] OUTFITTED WITH (9) HE 2KW -48VDC RECTIFIERS [NEQ. 15930] & (2) HE 1.5KW -48VDC/+24VDC CONVERTER MODULES [NEQ. 15929] INSTALL (1) 6630 INSTALL (1) IDLA CABLE INSTALL (1) +24V CIENA BOX AC/DC SCOPE: DC POWER PLANT REVIEW INSTALL THE FOLLOWING DC BREAKERS: - (2) 15A NEQ. 00706 6630 BBU - (2) 40A NEQ. 00185 4449 B5/B12 RRU - (2) 40A NEQ. 00185 8843 B2/B66A RRU NO PÉRMANENT STANDBY GENERATOR, MINIMUM REQUIRED BATTERY BACKUP TIME IS 4.0 HOURS. BATTERY CHECK: - REUSE (20) EXISTING MARATHON M12V155FT BATTERIES. RECONFIGURE EXISTING +24V BATTERY RACK FOR —48V OPERATION, RECONFIGURE EXISTING BATTERIES AS (4) STRINGS PER CELL FOR —48V OPERATION. FIVE BATTERY STRINGS WILL PROVIDE 4.99 HOURS OF BATTERY BACKUP. ELECTRICAL PANEL SCHEDULE: CONNECT NEW RECTIFIERS TO EXISTING AC POWER PANEL. REFER TO "PROPOSED AC PANEL SCHEDULE". HVAC UNITS SITE HAS TWO EXISTING 4-TON HVAC UNITS, WHICH ARE SUFFICIENT.

Figure 1: Proposed modification (Source: Plans Title Page T-1).

Figure 2 depicts the existing panel antennas and associated equipment within Sector A and Sector B.



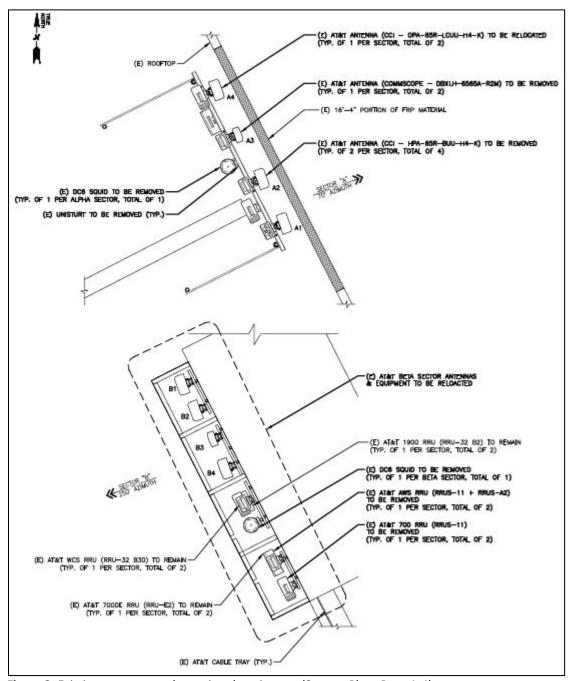


Figure 2: Existing antennas and associated equipment (Source: Plans Page A-4).



See Figure 3 for the proposed antennas and RRU.

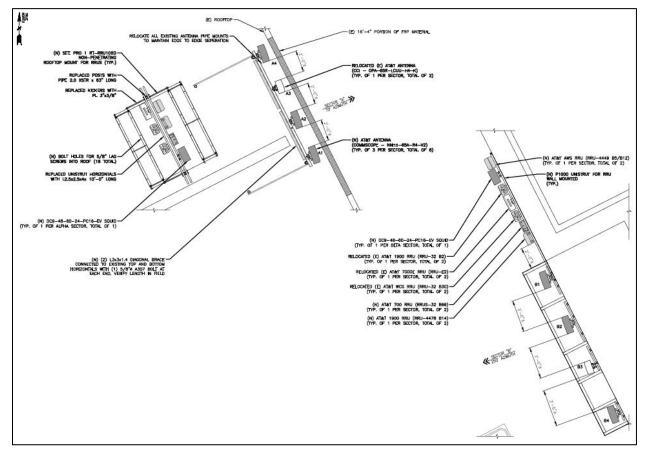


Figure 3: Proposed antennas and RRUs (Source: Plans Page A-4A).

3. Tier 1 Processing

TLF notes that the project does not qualify for Section 6409(a) processing due to the determinations through the WTFM-2021-002. Therefore, TLF recommends that the City process this application under the Tier 1 requirements of the City ordinance § 17.31.040. The proposed application needs to comply with § 17.31.030 and § 17.31.040(C) of the City's ordinance.

All the antennas are situated behind FRP screen walls. TLF recommends that the City condition the permit to ensure that the antennas and associated equipment are fully maintained behind the FRP screen walls. Furthermore, the City needs to condition that the proposal complies with all the Tier 1 requirements under the City Ordinance § 17.31.040.



4. Planned Compliance with RF Exposure Regulations

Under the federal Telecommunications Act, the FCC completely occupies the field with respect to RF emissions regulation. The FCC established comprehensive rules for human exposure to RF emissions (the "FCC Guidelines"). State and local governments cannot regulate wireless facilities based on environmental effects from RF emissions to the extent that the emissions comply with the FCC Guidelines. ²

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.³ Such demonstrations usually involve a predictive calculation because the site has not yet been built.

4.1 FCC Guidelines

FCC Guidelines regulate *exposure* rather than *emissions*.⁴ Although the FCC establishes a maximum permissible exposure ("MPE") limit, it does not mandate any specific limitations on power levels applicable to all antennas and requires the antenna operator to adopt exposure-mitigation measures only to the extent that certain persons might become exposed to the emissions. Thus, a relatively low-powered site in proximity to the general population might require more comprehensive mitigation measures than a relatively high-powered site in a remote location accessible only to trained personnel.

The MPE limit also differentiates between "general population" and "occupational" classes. Most people fall into the general population class, which includes anyone who either does not know about potential exposure or knows about the exposure but cannot exert control over the transmitters. The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure. The MPE limit for the general population is five times lower than the MPE limit for the occupational class.

Lastly, the FCC "categorically excludes" certain antennas from routine environmental review when either (1) the antennas create exposures in areas virtually inaccessible to humans or (2)

⁶ See id.



¹ See 47 U.S.C. § 332(c)(7)(B)(iv); see also 47 C.F.R. § 1.1307 et seq.; FCC Office of Engineering and Technology, Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields, OET Bulletin 65, ed. 97-01 (1997).

² See 47 U.S.C. § 332(c)(7)(B)(iv).

³ See In re Procedures for Reviewing Requests for Relief from State and Local Regulations Pursuant to Section 332(c)(7)(B)(iv) of the Communications Act of 1934, Report and Order, 15 FCC Rcd. 22821, 22828–22829 (Nov. 13, 2000) (declining to adopt rules that limit local authority to require compliance demonstrations).

⁴ See generally Human Exposure to Radio Frequency Fields: Guidelines for Cellular and PCS Sites, Consumer Guide, FCC (Oct. 22, 2014), available at https://www.fcc.gov/guides/human-exposure-rf-fields-guidelines-cellular-and-pcs-sites (discussing in general terms how wireless sites transmit and how the FCC regulates the emissions).

⁵ See 47 C.F.R. § 1.1310, Note 2.

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the antennas operate at extreme low power. As a general rule, a wireless site qualified for a categorical exclusion when mounted on a structure built solely or primarily to support FCC-licensed or authorized equipment (*i.e.*, a tower) and such that the lowest point on the lowest transmitter is more than 10 meters (32.8 feet) above ground.⁷

Categorical exclusions establish a presumption that the emissions from the antennas will not significantly impact humans or the human environment. Such antennas are exempt from routine compliance evaluations but not exempt from actual compliance. Under some circumstances, such as a heavily collocated tower or when in close proximity to general population members, even a categorically excluded site will require additional analysis.

4.2 Planned Compliance Evaluation and Recommendations

The FCC does <u>not</u> categorically exclude AT&T's facility from routine compliance review because the underlying building was originally constructed to be a building, not to support wireless equipment. Therefore, an additional analysis is necessary to determine whether the proposed antennas will demonstrate planned compliance with the FCC Guidelines.

The CMC §17.12.050 requires applicants to submit "[a]n 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 [maximum permissible exposure] levels deemed safe by the FCC." Any application without such an affirmation is incomplete.

Here, AT&T submitted a compliance statement that was submitted under the penalty of perjury. Therefore, the City can consider that the compliance statement as submitted is acceptable.

TLF recommends that the City condition that the Applicant maintain all the necessary RF signage and barriers for this site to comply with the FCC Regulations.

See Figure 4 and Figure 5.

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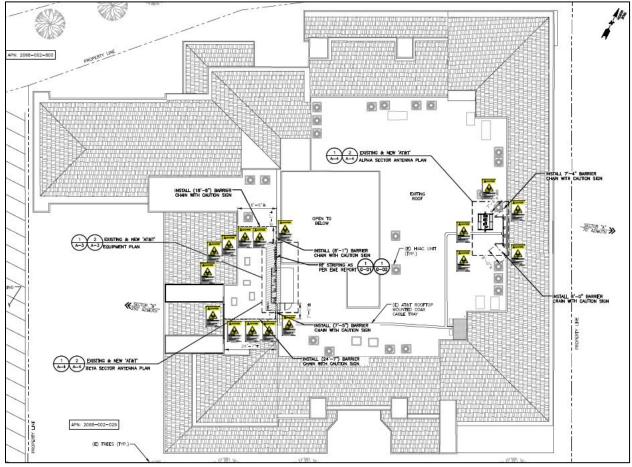


Figure 4: Proposed location of the RF caution signage on the rooftop (Source: Plans Page A-2).





Figure 5: Existing barriers on rooftop (Source: Applicant Photos).

TLF recommends that the City condition that the location of the barriers be adjusted to close off the newly created controlled access zones on the rooftop based on the proposed emissions.

TLF recommends the following conditions of approval to be added to any other conditions proposed by the City:

- 1. Permittee shall keep the rooftop access hatches/doors locked at all times, except when active maintenance is performed on the rooftop or equipment.
- 2. Permittee shall ensure that all required radio frequency signage be installed and maintained at all times in good condition. All such radio frequency signage be constructed of hard materials and be UV stabilized. All radio frequency signage must comply with the sign colors, sign sizes, sign symbols, and sign panel layouts in conformance with ANSI Z535.1, ANSI Z535.2, and ANSI C95.2-2007 standards. All such radio frequency signage, or additional signage immediately adjacent to the radio frequency signage, shall provide a working local or toll-free telephone number to its network operations center that reaches a live person who can exert transmitter power-down control over this site as required by the FCC.



Ms. Jaclyn Rackerby WTFM 2021-003 (Smartlink/AT&T) November 4, 2021 Page 10 of 10

3. In the event that the FCC changes any of radio frequency signage requirements that are applicable to the project site approved herein or ANSI Z535.1, ANSI Z535.2, and ANSI C95.2-2007 standards that are applicable to the project site approved herein are changed, Permittee, within 30 days of each such change, at its own cost and expense, shall replace the signage at the project site to comply with the then current standards

/JLK

































