



CITY of CALABASAS

Exhibit C

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

www.cityofcalabasas.com

December 30, 2021

Verizon Wireless via Motive Infrastructure Solutions
Attn: Todd Smith
15505 Sand Canyon Ave
Irvine, CA 92618

Subject: Notice of Decision for Small Wireless Facility Permit WTF1-2021-001

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.: WTF1-2021-001. A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing Verizon wireless facility located on a utility pole at 25100 Calabasas Rd, within the Public Right-of-Way.

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

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

Sincerely,

Jaclyn Rackerby
Associate Planner



CITY of CALABASAS

COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: WTF1-2021-001

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing Verizon wireless facility located on a utility pole at 25100 Calabasas Rd, within the Public Right-of-Way.

APPLICANT: Motive Infrastructure Solutions – Todd Smith

BACKGROUND:

On December 12, 2020, Motive Infrastructure Solutions filed an application for Minor Modification Permit No. WTFM-2021-013 on behalf of Verizon Wireless to upgrade an existing wireless telecommunication facility on a utility pole located at 25100 Calabasas Rd, within the Public Right-of-Way. The application was reviewed by staff and deemed incomplete on January 13, 2021. Following the January 13, 2021 notice of incompleteness, the application was deemed withdrawn, due to the fact that staff determined the project did not qualify for Section 6409(a) processing because of unpermitted modifications at the existing site.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 July 16, 2021, Motive Infrastructure Solutions subsequently filed an application for Tier 1 Permit No. WTF1-2021-001 on behalf of Verizon Wireless 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 approved on December 7, 1998 via an encroachment permit, and updated in 2014 (Wireless Telecommunications Facility Permit and Scenic Corridor Permit, File No. 140001107), with retroactive approval to upgrade equipment at the existing facility.

The proposed project includes the relocation of existing antennas, and the installation of new pole-mounted equipment. The project was reviewed by staff to ensure compliance with Section 17.31.040 of the Calabasas Municipal Code.

STAFF ANALYSIS:

1. Current Site Condition: The subject site is located at 25100 Calabasas Rd, within the public right-of-way. The existing Verizon facility is mounted to a utility pole,

approximately 2,635 feet west of the intersection at Mureau Road and Calabasas Road. The antennas, equipment and electrical meter are mounted to a utility pole on the North side of the street. None of the pole attachments (antennas, risers, brackets, etc.) are painted brown to blend in with the existing utility pole. The existing facility was approved on December 7, 1998 via an encroachment permit. There are no other wireless facilities located in the public right-of-way in the near vicinity.

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 relocation of existing antennas, and installation of new pole mounted equipment. Additionally, the proposed project involves 'stealth' modifications, including painting all existing/proposed equipment brown to match the existing utility pole, consistent with the City's wireless telecommunication facility design guidelines.
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 stealth 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 pole-mounted wireless facility located at 25100 Calabasas Rd, within the public right-of-way. 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 located within the public right-of-way, as outlined in Section 17.31.030(A)(1) of the CMC. Additionally, the proposed project meets the standards of Section 17.31.040(C)(1) for Tier 1 facilities located within a public right-of-way, including that the proposed modifications meet 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 not currently designed as a 'stealth' facility; no pole-mounted equipment is painted brown to match the pole. The proposed project involves the relocation of antennas and the installation of equipment, as well as painting all existing and proposed equipment brown to match the existing utility pole. The City's Wireless Design Guidelines stipulate that painting any visible equipment is an acceptable camouflage technique for a Tier 1 Wireless Facility. Because of the location of the subject site in close proximity to the freeway and along an area of Calabasas Rd with relatively low levels of traffic, as well as the existing non-stealth design of the site, the stealth design methods proposed by the applicant are sufficient to meet the City's Wireless Design Guidelines. As a result, the proposed project is designed as a stealth facility and meets this finding.

ENVIRONMENTAL REVIEW:

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

CONDITIONS OF APPROVAL:

See the attached conditions in Exhibit A.

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

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:

Approved

Denied



12/30/2021

Jaclyn Rackerby, Associate Planner

Date

ATTACHMENTS:

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



CITY of CALABASAS

**COMMUNITY DEVELOPMENT DIRECTOR
DECISION LETTER AND REPORT**

EXHIBIT A: CONDITIONS OF APPROVAL

FILE NO.: WTF1-2021-001

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing Verizon wireless facility located on a utility pole at 25100 Calabasas Rd, within the Public Right-of-Way.

APPLICANT: Motive Infrastructure Solutions – Todd Smith

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. WTF1-2021-001 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No WTF1-2021-001 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Motive Infrastructure Solutions – Todd Smith (applicant) and Verizon Wireless (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. WTF1-2021-001 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTF1-2021-001 and the issuance of any permit or entitlement in connection therewith Motive Infrastructure Solutions – Todd Smith (applicant) and Verizon Wireless (carrier), and their successors shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
2. 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.
6. 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. 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 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 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 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.
18. 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 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.
19. Interconnecting cables from the antennas shall be visually minimized by placing them within a shrouded arm mounted bracket and adding 'chin strap' shrouds below the antennas to hide all the interconnecting wires to and from the antennas.
20. The antennas and all the associated equipment mounted to the Pole shall be, at all times, painted and maintained a brown color to match the underlying wood Pole.
21. All conduits and PVC pipe mounts shall be flush mounted to the Pole.

WIRELESS PLANNING MEMORANDUM

TO: Ms. Jaclyn Rackerby
FROM: Dr. Jonathan Kramer *Jonathan Kramer*
DATE: December 22, 2021
RE: (WTF1-2021-001) Technical Review for Proposed Modifications to existing Wireless Site Mounted on a Wood Utility Pole located near 25100 Calabasas Road

Applicant: Motive Infrastructure Solutions on behalf of Verizon
Site Name: Calabasas MC A1

1. Summary

The City of Calabasas (the “**City**”) requested that Telecom Law Firm, PC (“**TLF**”) review the Motive Infrastructure Solutions (“the **Applicant**”) application submitted on behalf of Verizon Wireless (“**Verizon**”) to modify its existing wireless site located on a 78'9" above ground level (“**AGL**”) wood utility pole (“**Pole**”) located near 25100 Calabasas Road.

It appears that Verizon’s proposal may qualify for Tier 1 processing if Verizon can meet the requirements of the Calabasas Municipal Code (“**CMC**”) §17.31.040 and the City’s Wireless Facility Design Guidelines. This project will follow the FCC shot clock rules and is subject to a 60-day shot clock.

Verizon’s proposed modification will demonstrate planned compliance with the FCC’s RF emission guidelines if the necessary RF signage and notifications are posted and maintained. Any redesign of this project that changes the antennas, locations, or emissions will necessitate a re-review of the planned emissions.

This memorandum reviews the application and related materials for technical and regulatory issues specific to wireless infrastructure. Although many technical issues implicate legal issues, the analysis and recommendations contained in this memorandum do not constitute legal advice.

2. Project Background and Description

On December 1, 1998, the Development Review Committee reviewed and approved the construction of a wireless facility pursuant to the conditions of Resolution No. 98-257.

On November 18, 2014, Resolution No. 2014-034 was approved to modify the wireless facility by replacing the antennas and the pole mounted equipment box.

On July 16, 2021, the Applicant on behalf of itself and Verizon, submitted wireless site application materials (the **“July Submission”**) to the City. On August 11, 2021, the City submitted a timely incomplete letter (the **“First City Incomplete Letter”**) that evaluated the Applicant’s July Submission.

On September 23, 2021, the Applicant submitted additional application materials (the **“September Submission”**) to address the deficiencies identified in the First City Incomplete Letter. On September 30, 2021, the City issued an incomplete letter (the **“Second City Incomplete Letter”**) that evaluated the Applicant’s September Submission.

On November 10, 2021, the Applicant submitted additional application materials (the **“November Submission”**) to address the deficiencies identified in the Second City Incomplete Letter. On November 24, 2021, the City again issued an incomplete letter (the **“Third City Incomplete Letter”**) that evaluated the Applicant’s November Submission.

On December 2, 2021, the Applicant submitted updated application materials (the **“December Submission”**). This memorandum now reviews (1) the December Submission and provides the City further analysis on whether the Applicant submitted a complete application; (2) design guidelines and (3) whether Applicant’s project demonstrates planned compliance with the federal radio frequency exposure guidelines.

Upon review, now, TLF’s assessment is that the application appears to be sufficiently complete for TLF to proceed with a substantive review of the Applicant’s proposal for compliance with applicable local, state and federal law. We now proceed to that analysis.

The updated project plans dated November 4, 2021 (**“Plans”**) show that Verizon currently operates a wireless facility consisting of two panel antennas mounted on a double arm bracket and a prism unit attached to the Pole.

Verizon’s Plans show the proposal to modify its wireless facility as described in Figure 1.

<p>PROJECT DESCRIPTION</p> <p>THE PROJECT CONSISTS OF THE INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT FOR VERIZON TELECOMMUNICATIONS NETWORK.</p> <ol style="list-style-type: none">1. VERIZON CONTRACTOR TO UTILIZE (E) 90'-0" (78'-9" AGL) WOOD POLE #4389292E.2. VERIZON CONTRACTOR TO REMOVE (E) 4FT. DOUBLE CABLE EXTENSION ARMS WITH (2)-(E) PANEL ANTENNAS AND PLACE NEW 4FT. DOUBLE CABLE EXTENSION ARMS WITH (2)-(E) PANEL ANTENNAS AND (6) NEW SPLITTERS.3. VERIZON CONTRACTOR TO PLACE (1) NEW RADIO UNIT INSIDE NEW RADIO SHROUD (UPPER) WITH (2) NEW PSU'S AND NEW DIPLEXER, (1) NEW RADIO UNIT INSIDE NEW RADIO SHROUD (LOWER) WITH (2) NEW PSU'S AND NEW DIPLEXER ON EQUIPMENT BACKPLATE, (1) NEW VZ DISCONNECT BOX, (1) NEW FIBER DISTRIBUTION BOX, AND (1)-(E) PRISM ON (2) NEW EQUIPMENT CHANNELS ON POLE.

Figure 1: Summary of proposed modification (Source: Plans, Page T-1).

Verizon is now proposing to remove and replace its existing antennas as well as add two new radio shrouds onto the Pole to contain two remote radio units (**“RRUs”**), four power supply



units (“PSUs”) and two diplexers. A view of Verizon’s existing configuration can be seen in Figure 2 and the proposed configuration is depicted in Figure 3.

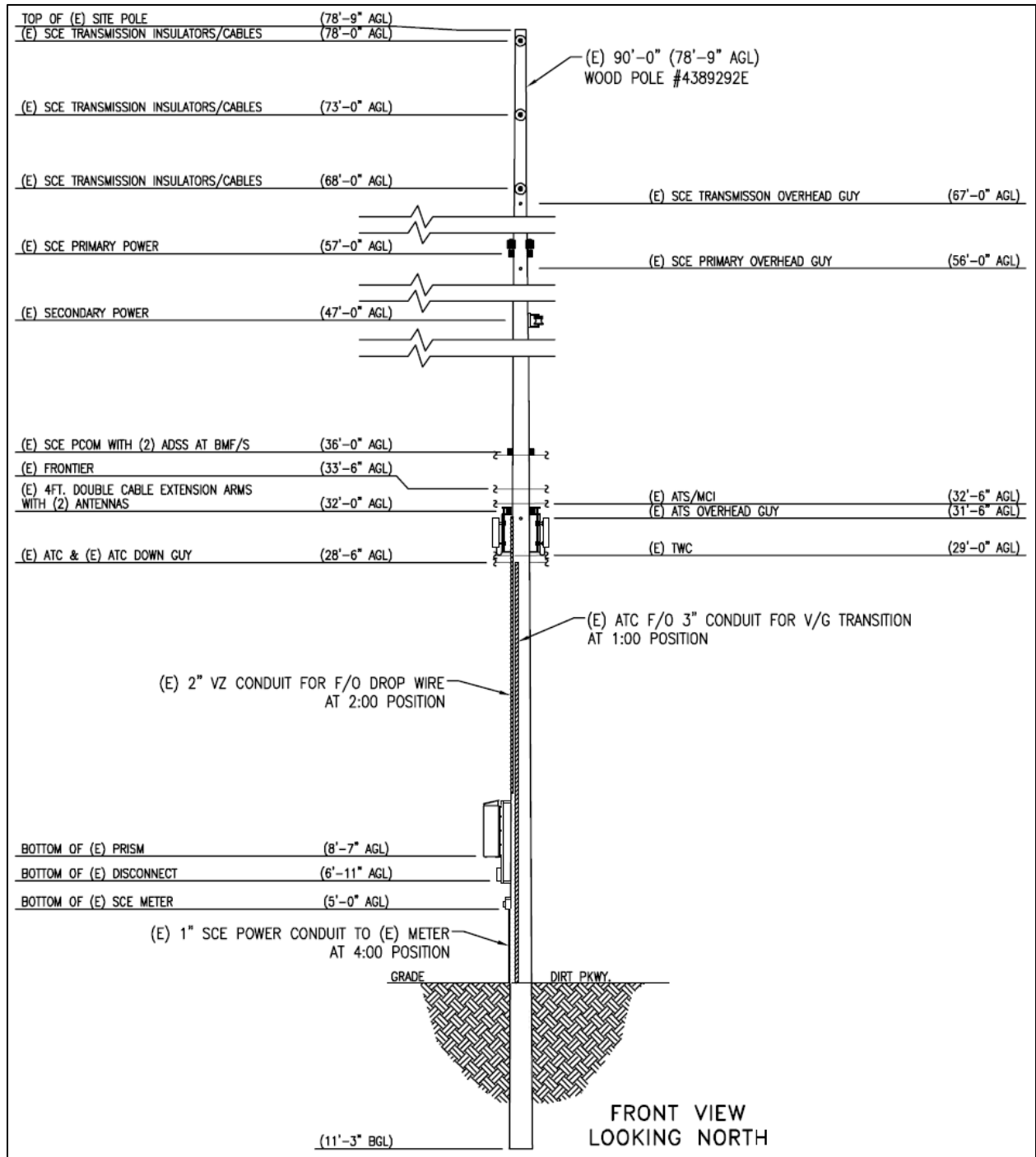


Figure 2: Elevation view of Verizon’s existing wireless site. (Source: Plans, page A-3, panel 3).



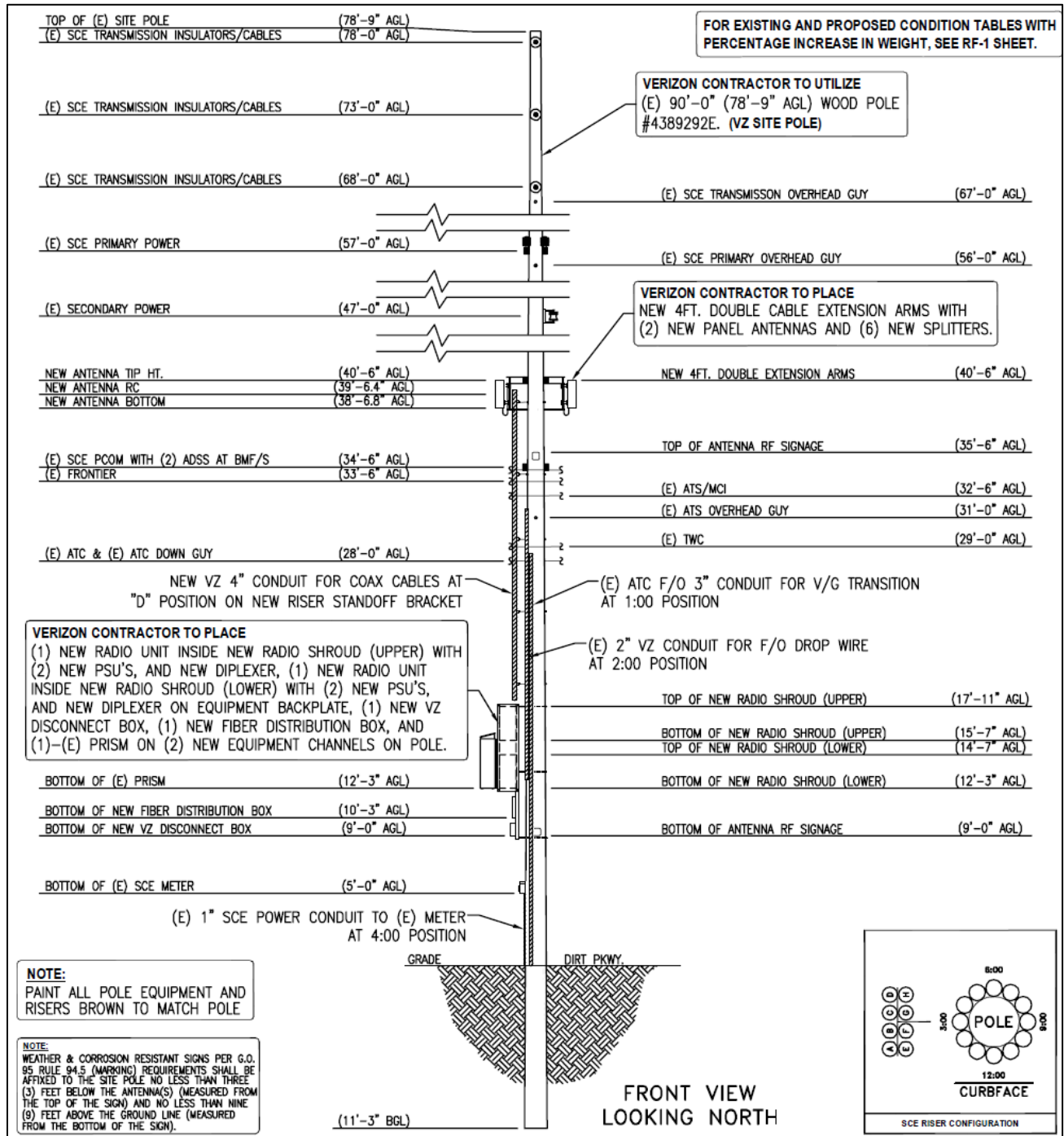


Figure 3: Elevation view of Verizon's proposed wireless site. (Source: Plans, page A-3, panel 4).

The prism unit will be relocated approximately 4' higher on the Pole. The mounting detail of the prism unit and two radio shrouds can be seen in an expanded view in Figure 4.



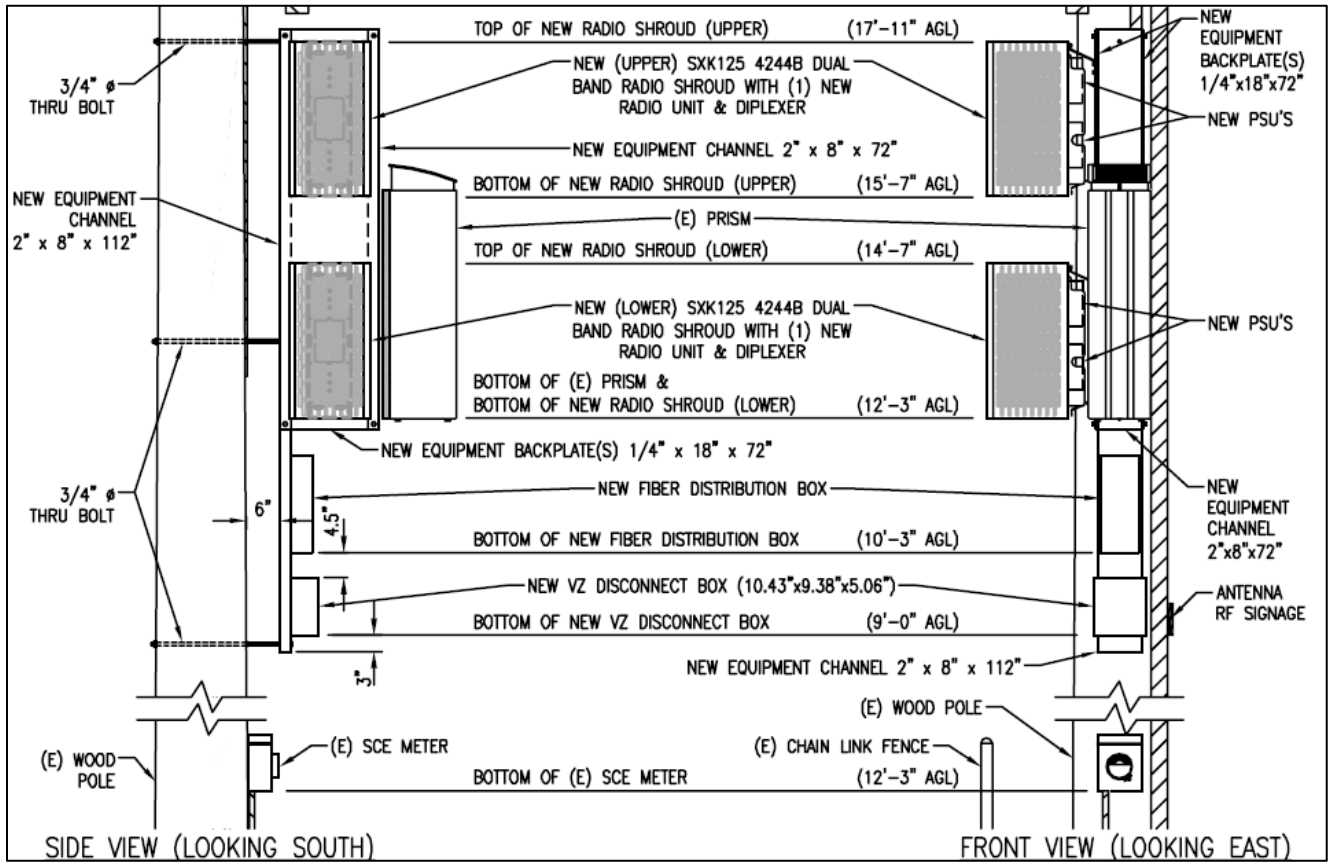


Figure 4: Expanded view of Verizon’s associated equipment mounting detail. (Source: Plans, page D-1, panel 8).

TLF notes there will be at least a total of three pieces of equipment, other than the antennas, mounted the Pole as currently proposed through the Plans.

Figure 5 shows a simulated view of the project.

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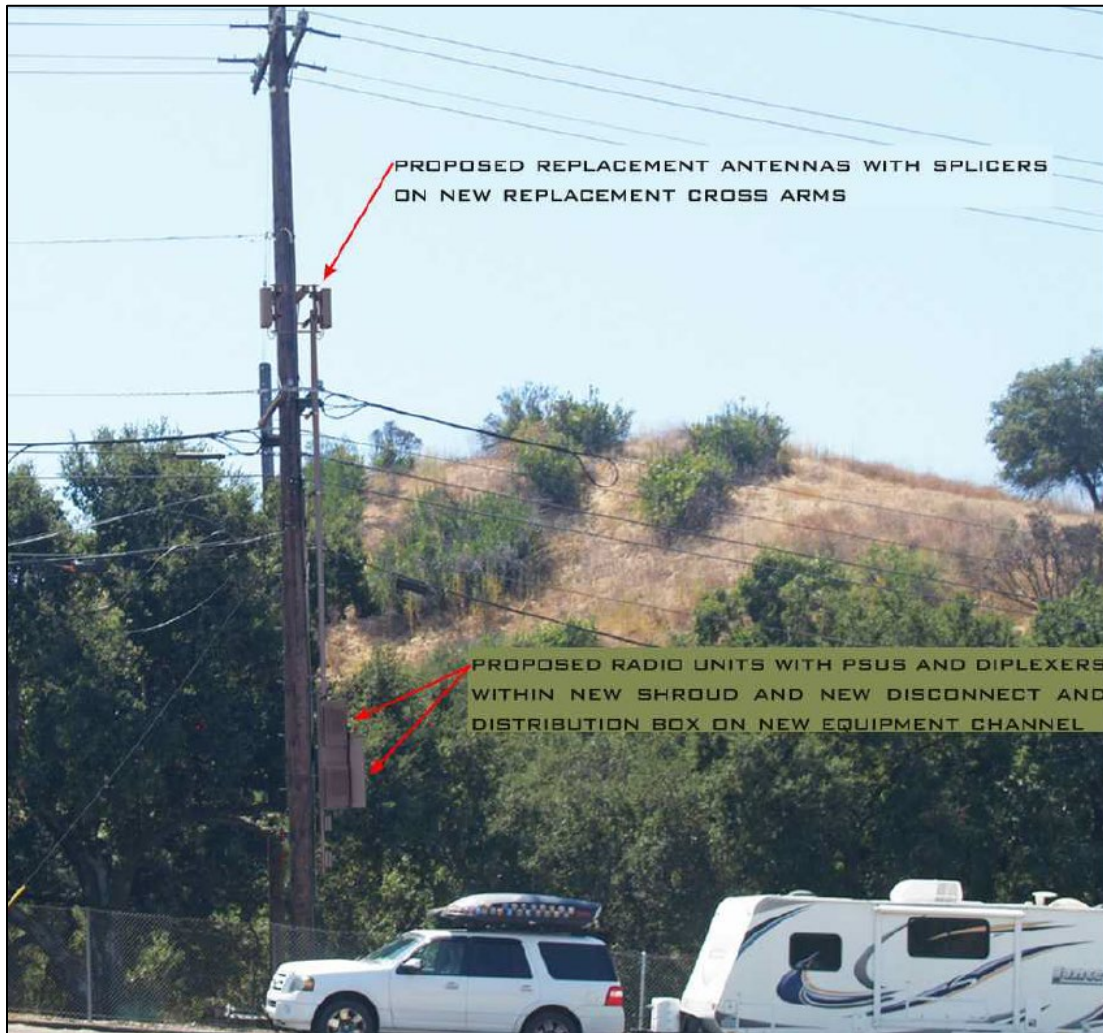


Figure 5: Photo simulated view (Source: Applicant submitted Photo Simulations).

3. Section 6409(a) Evaluation

As a threshold matter, the City must determine whether federal law mandates approval for this permit application. Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012 requires that State and local governments “may not deny, and shall approve” any “eligible facilities request” for a wireless site collocation or modification so long as it does not cause a “substant[ial] change in [that site’s] physical dimensions.”¹

Section 6409(a)(2) defines an “eligible facilities request” as a request to collocate, remove, or replace transmission equipment on an existing wireless tower or base station.² This definition

¹ See Section 6409(a) of the Middle-Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156. (Feb. 22, 2012) (codified as 47 U.S.C. § 1455(a)).

² See 47 U.S.C. § 1455(a)(2).



necessarily excludes permit requests for new facilities. Thus, no matter how large or small, Section 6409(a) does not mandate approval for a permit to construct an entirely new wireless facility.

Here, the Applicant did not submit an eligible facility request because it was determined in the previous submission that the site had unpermitted changes on it. Accordingly, Section 6409(a) does not apply to this project.

4. Design Guidelines

Based on the City's Wireless Facility Design Guidelines, *"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."* TLF recommends that the City base any approval of the project as follows:

- Visually minimize the interconnecting cables from the antennas by placing them within a shrouded arm mounted bracket and adding 'chin strap' shrouds below the antennas to hide all the interconnecting wires to and from the antennas.
- Install a ground mounted pedestal to place the associated equipment (two RRUs, four PSUs and two diplexers) that are being proposed within the two new radio shrouds, thus eliminating the radio shrouds completely. The prism unit would be the only piece of equipment remaining on the Pole, therefore preserving the *"1 piece of equipment mounted to the pole"* design guideline for Tier 1 projects.
- The antennas and all the associated equipment mounted to the Pole need to be, at all times, painted and maintained a brown color to match the underlying wood Pole.
- All conduits and PVC pipe mounts need to be flush mounted to the Pole instead the current 'floating' design.

5. 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**”).³ 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.⁴

Although localities cannot establish their own standards for RF exposure, local officials may require wireless applicants to demonstrate compliance with the FCC Guidelines.⁵ Such demonstrations usually involve a predictive calculation because the site has not yet been built.

5.1 FCC Guidelines

FCC Guidelines regulate *exposure* rather than *emissions*.⁶ 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.⁷ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.⁸ 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) 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-

³ 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).

⁴ See 47 U.S.C. § 332(c)(7)(B)(iv).

⁵ 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).

⁶ 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).

⁷ See 47 C.F.R. § 1.1310, Note 2.

⁸ See *id.*



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.⁹

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.

5.2 Planned Compliance Evaluation and Recommendations

The FCC does not categorically exclude Verizon's facility from routine compliance review because the underlying structure was constructed for transmission of utilities and not for the primary use for wireless services.

The CMC §17.31.040(D)(10) 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, the Applicant submitted a signed letter certifying under the under penalty of perjury as required under the Code, compliance with the FCC regulations. Accordingly, this application meets the City's standard.

To promote planned compliance with the FCC Guidelines, the City should now plan on requiring the following conditions of approval for this project:

1. Permittee shall ensure that all federally 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 the most current versions of ANSI Z535.1, ANSI Z535.2, and ANSI C95.2 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.
2. 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

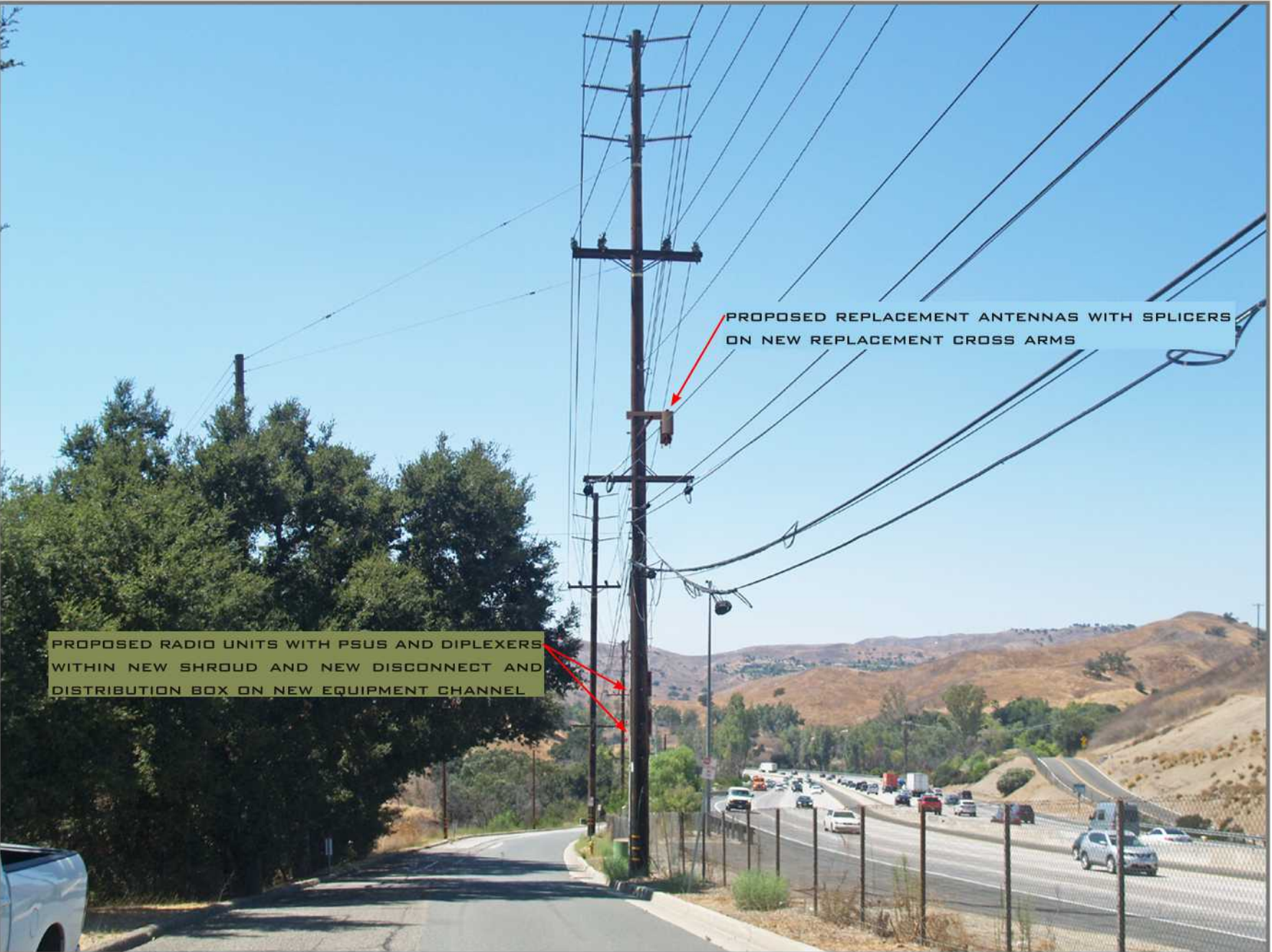
⁹ See *id.* § 1.1307(b)(1).



C95.2 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

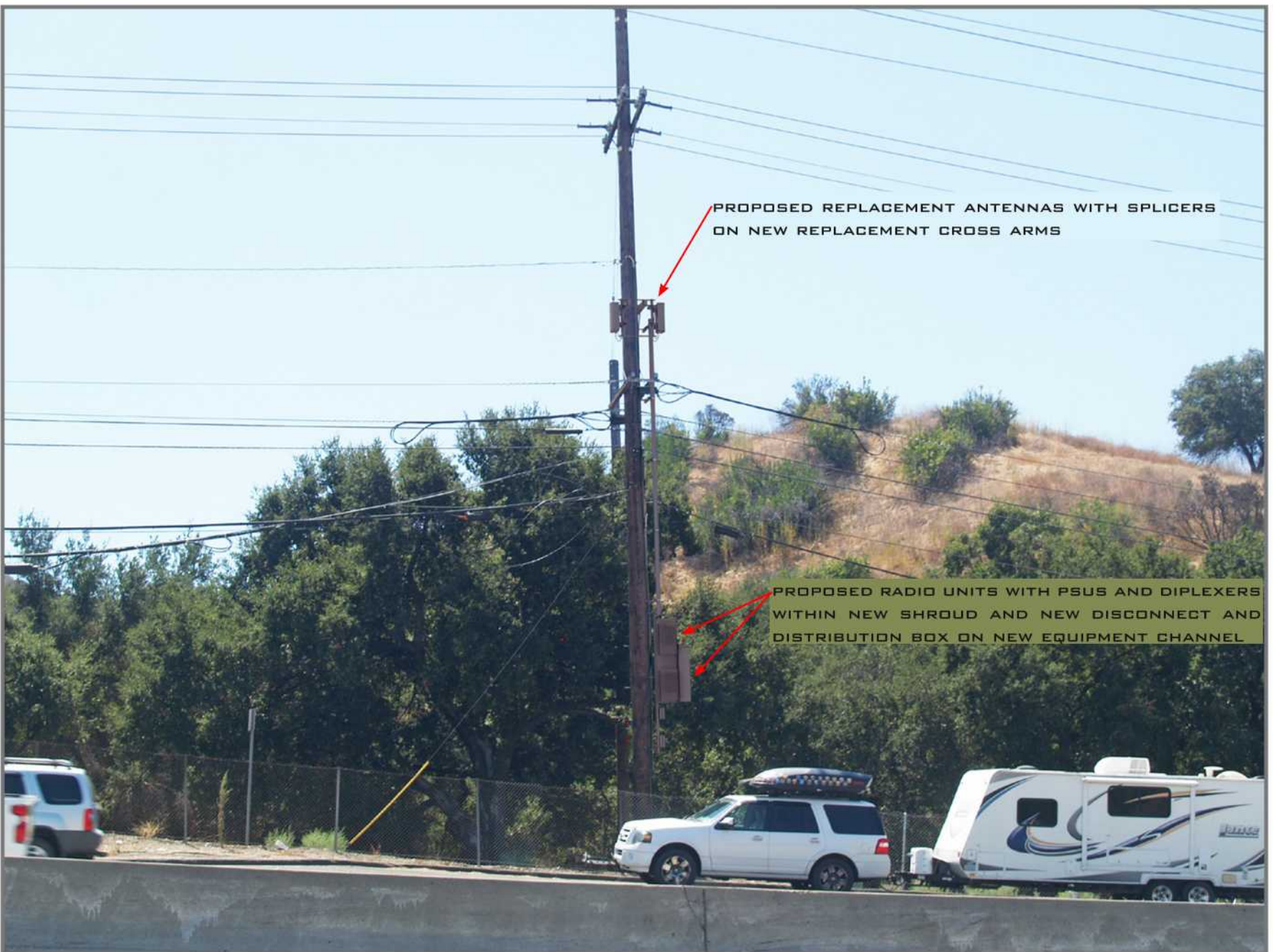




PROPOSED LOOKING WEST FROM CALABASAS ROAD



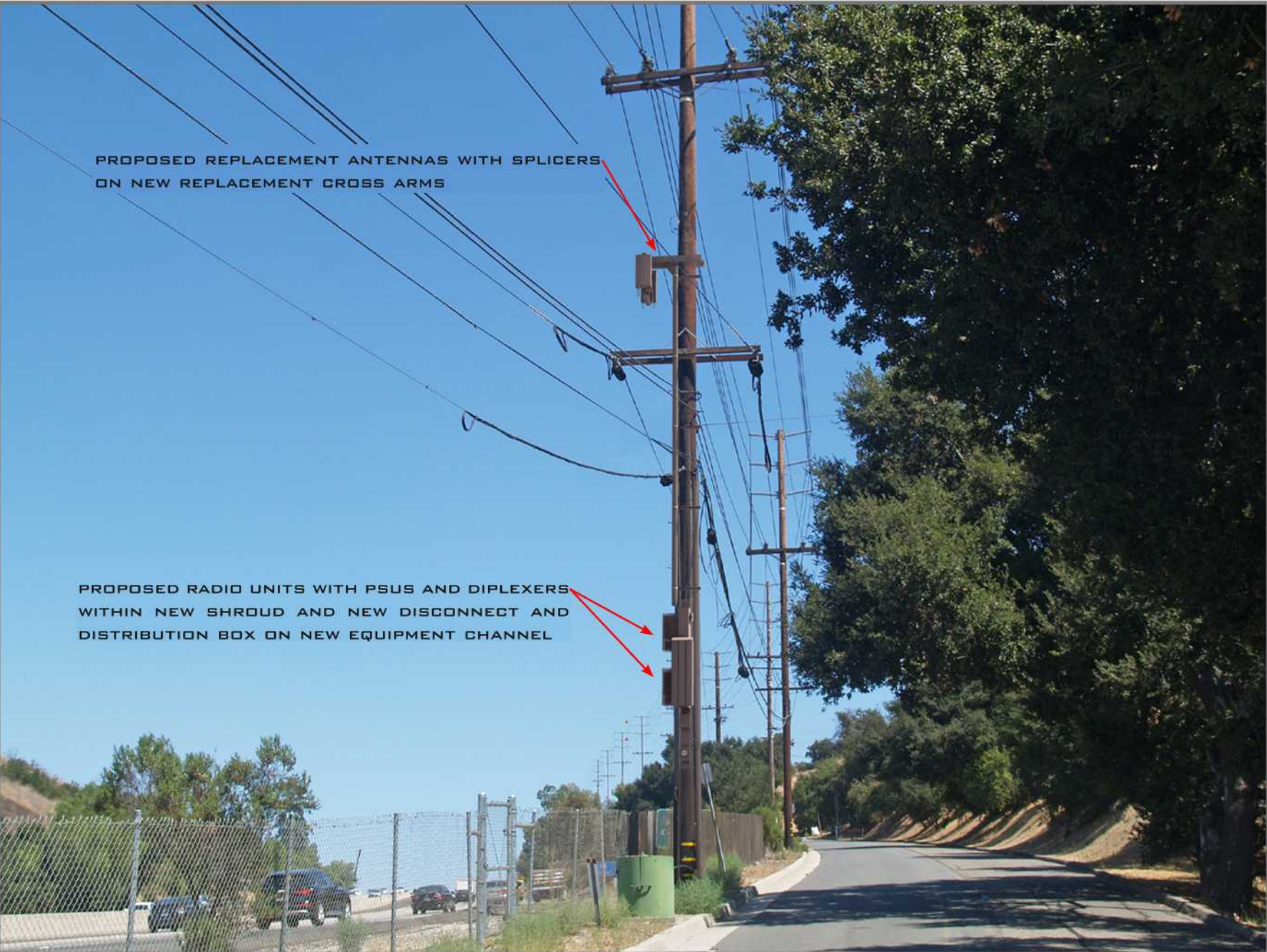
EXISTING



PROPOSED LOOKING SOUTH FROM 101 FREEWAY



EXISTING



PROPOSED LOOKING EAST FROM CALABASAS ROAD