



CITY of CALABASAS

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

www.cityofcalabasas.com

January 13, 2022

Shane M. Takahashi
341 Molino Ave. Apt. 8
Long Beach, CA 90814

Subject: Notice of Decision for Small Wireless Facility Permit WTF1-2021-002

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.: WTF1-2021-002. A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing T-Mobile wireless facility on the roof of the existing building located at 27001 Agoura Rd, within the Commercial Business (CB) zoning district. The applicant is proposing to remove and replace existing antennas behind a FRP screen wall, and to remove and replace equipment within the screened equipment area on the roof.

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.: WTF1-2021-002

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing T-Mobile wireless facility on the roof of the existing building located at 27001 Agoura Rd, within the Commercial Business (CB) zoning district. The applicant is proposing to remove and replace existing antennas behind a FRP screen wall, and to remove and replace equipment within the screened equipment area on the roof.

APPLICANT: Shane M. Takahashi

BACKGROUND:

On October 18, 2021, Shane M. Takahashi filed an application for Tier 1 Permit No. WTF1-2021-002 on behalf of T-Mobile to upgrade the equipment at the existing building-mounted facility located at 27001 Agoura Rd. The existing T-Mobile facility is already designed as a 'stealth' facility, and the proposed modifications maintains the same stealth design.

The existing T-Mobile facility (previously a Sprint facility) was constructed in 1997, (approved Conditional Use Permit No. 00-19) and subsequently renewed in 2010 (Conditional Use Permit No. 100000536) and modified in 2019 (Wireless Telecommunication Facility – Minor Modification Permit No. 180001546). The site was modified in 2010 to screen exposed antennas and bring the facility into compliance with the City's standards for roof-mounted wireless facilities, and modified in 2018 to replace existing antennas and expand the existing screen wall.

The proposed project includes the removal and replacement of existing antennas and RRUs behind a FRP screen wall and associated expansion of the FRP screen wall, and to remove and replace equipment within the screened equipment area on the roof. 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 27001 Agoura Rd, within the Commercial Business (CB) zoning district. The existing T-mobile facility is a roof-mounted wireless facility, with all building-mounted and roof-mounted equipment

behind an FRP screen wall & parapet wall designed to match the colors & materials of the building. The existing facility was originally approved in 2000, and subsequently modified and approved in 2010 and 2019. The current facility is made up of three building-mounted antenna sectors with associated equipment located behind a screen wall 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 behind screen walls located on the roof of the building. 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 building-mounted wireless facility located at 27001 Agoura 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, as well as replacement of roof-mounted equipment behind existing screen walls. 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 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 designed to match the subject building in colors & materials. Additionally, the roof-mounted equipment area 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 antennas and RRUs behind FRP screen walls, and expansion of the existing FRP screen wall to fully screen the new antennas, as well as replacement of roof-mounted equipment screened behind parapet walls. 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.

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.

, as Project Manager,

Applicant/Carrier Representative J5 Infrastructure Partners

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



1/13/2022

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.: WTF1-2021-002

PROPOSAL: A request for a Wireless Telecommunication Facility – Tier 1 Permit to modify an existing T-Mobile wireless facility on the roof of the existing building located at 27001 Agoura Rd, within the Commercial Business (CB) zoning district. The applicant is proposing to remove and replace existing antennas behind a FRP screen wall, and to remove and replace equipment within the screened equipment area on the roof.

APPLICANT: Shane M. Takahashi

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. WTF1-2021-002 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTF1-2021-002 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Shane M. Takahashi (applicant) and T-Mobile (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. WTF1-2021-002 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTF1-2021-002 and the issuance of any permit or entitlement in connection therewith Shane M. Takahashi (applicant) and T-Mobile (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 always keep the access doors, hatches and ladders to the rooftop locked, except when active maintenance is performed on the rooftop or equipment.
18. 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.
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.

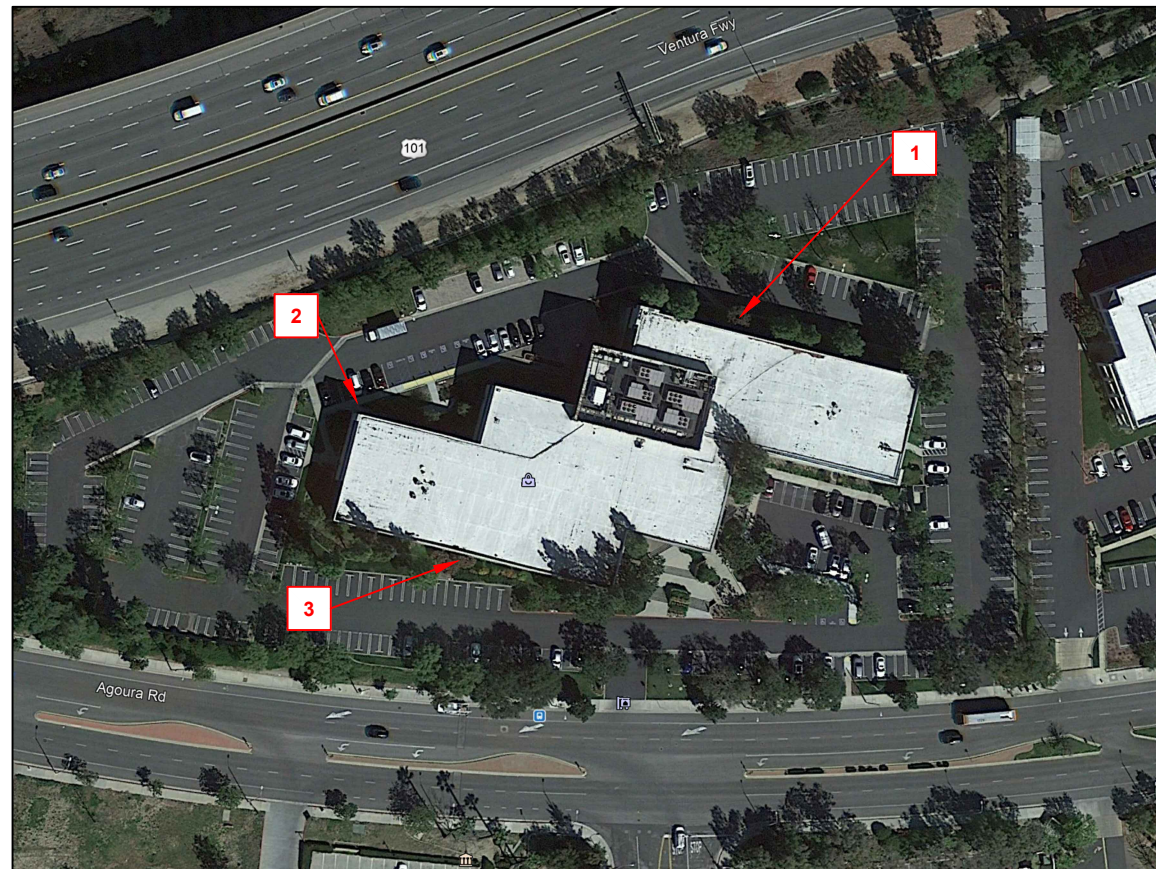


PHOTO SIMULATION

FOR EXISTING ROOFTOP CELL SITE:

27001 AGOURA ROAD | CALABASAS, CA 93249

SITE ID: SV81186A



VICINITY MAP

© 2021 Google



PREVIEW

SITE DESCRIPTION:
EXISTING ROOFTOP CELL SITE

VIEWS: 3

SHEET INDEX

SHEET 2: VIEW 1

SHEET 3: VIEW 2

SHEET 4: VIEW 3

Photo Simulation By:



949-590-4900 | www.tangent.systems

Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.



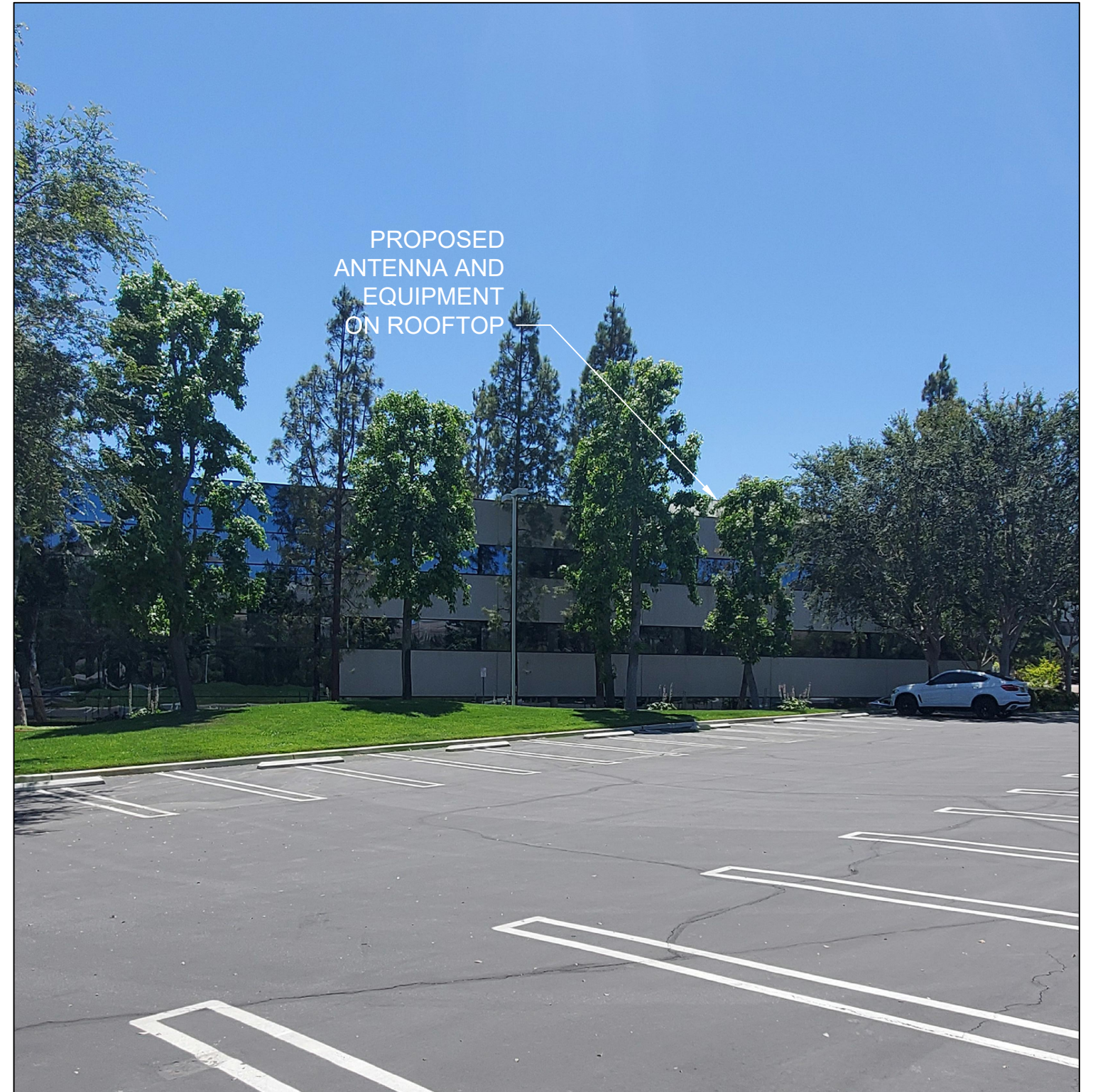
Site ID: SV81186A

SITE TYPE: ROOFTOP

27001 AGOURA ROAD
CALABASAS, CA 93249



EXISTING VIEW



PROPOSED VIEW

VIEW 1 - LOOKING SOUTHWEST FROM INNER ROAD

DATE: 06.01.21

Photo Simulation By:

Tangent

949-590-4900 | www.tangent.systems

Photo Simulation

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Site ID: SV81186A

SITE TYPE: ROOFTOP

27001 AGOURA ROAD
CALABASAS, CA 93249



EXISTING VIEW



PROPOSED VIEW

VIEW 2 - LOOKING SOUTHEAST FROM INNER ROAD

DATE: 06.01.21

Photo Simulation By:

Tangent

949-590-4900 | www.tangent.systems

Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.



Site ID: SV81186A

SITE TYPE: ROOFTOP

27001 AGOURA ROAD
CALABASAS, CA 93249



EXISTING VIEW



PROPOSED VIEW

VIEW 3 - LOOKING NORTHEAST FROM INNER ROAD

DATE: 06.01.21

Photo Simulation By:

Tangent

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Photo Simulation

This photographic simulation is intended as a visual representation only and is not to be used for construction purposes. Accuracy of photo simulation is based on information provided by project applicant.

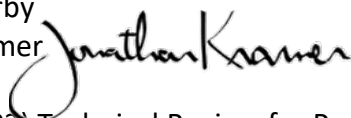


Site ID: SV81186A

SITE TYPE: ROOFTOP

27001 AGOURA ROAD
CALABASAS, CA 93249

WIRELESS PLANNING MEMORANDUM

TO: Ms. Jaclyn Rackerby
FROM: Dr. Jonathan Kramer 
DATE: January 10, 2022
RE: (WTFM1-2021-002) Technical Review for Proposed Modifications to Building-Mounted Wireless Site located at 27001 Agoura Road

Applicant: J5 Infrastructure Inc.
Carrier: T-Mobile West, LLC (Previously Sprint)
Site ID: SV81186A

1. Summary

The City of Calabasas (the “**City**”) requested that Telecom Law Firm, PC (“**TLF**”) review the J5 Infrastructure Inc. (the “**Applicant**”) application submitted on behalf of T-Mobile West, LLC (“**T-Mobile**”)[previously a Sprint site] to modify its existing wireless site located at 27001 Agoura Road.

The project appears to qualify for Tier 1 processing if T-Mobile since the wireless site appears to be complying with 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.

T-Mobile, under penalty of perjury, has affirmed that the proposed modification to its existing wireless facility will be in planned compliance with the FCC RF emissions guidelines. Mostly all of the antennas appear to be situated on the façade of the building behind fiber reinforced (“**FRP**”) screens emitting outwards. However, the controlled access zones, on the rooftop, created by some of the antennas need to be properly closed off by barriers. The City should condition any permit issuance for this project to be subject to the conditions proposed in this memorandum regarding RF emissions safety signage and barriers.

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 October 18, 2021, the Applicant submitted project plans dated November 23, 2021 (“Plans”) that show that T-Mobile currently operates three panel antennas distributed in three sectors, mounted at the façade of the building behind FRP screens. TLF notes that some of the antennas are mounted on a higher tier on the rooftop.

T-Mobile is proposing to modify its wireless facility by removing existing antennas and replacing them with new antennas. Furthermore, T-Mobile is proposing to remove and replace multiple remote radio units (“RRUs”). TLF notes that all the antennas and associated equipment are proposed to be away from public view either within the FRP screens or on the rooftop near the antenna sectors. See Figure 1 for an overview summary of the proposed modification to the wireless site.

SPRINT RETAIN _ SCOPE OF WORK: (RFDS VERSION 1, DATE: 03/15/21)
MODIFICATION OF AN EXISTING 'SPRINT' TELECOMMUNICATION FACILITY CONSISTING OF THE FOLLOWING:
EXTERNAL SCOPE (AS DEPICTED IN RFDS):
<ul style="list-style-type: none">• REMOVE (1) PANEL ANTENNA PER SECTOR, (3) TOTAL• REMOVE ALL (2) RRH PER SECTOR, (6) TOTAL• INSTALL RFS-APXVAALL18_43-U-NA20, (1) PER SECTOR, (3) TOTAL• INSTALL AIR 6449, (1) PER SECTOR, (3) TOTAL• INSTALL RADIO 4460, (1) PER SECTOR, (3) TOTAL• INSTALL RADIO 4480, (1) PER SECTOR, (3) TOTAL• ADD (9) 6x24 HCS• REMOVE (3) EQUIPMENT CABINETS• INSTALL (1) ENCLOSURE 6160 SITE SUPPORT CABINET & (1) B160 BATTERY CABINET
INTERNAL SCOPE (AS DEPICTED IN RFDS):
<ul style="list-style-type: none">• ADD (1) DUG20 (GSM)/RBS6601 INSIDE NEW E6160 CABINET• ADD (2) PSU 4813 VOLTAGE BOOSTER• ADD (3) BB6648 INSIDE NEW E6160 CABINET• ADD (1) iXRE ROUTER• REMOVE ALL UNUSED EQUIPMENT

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

Figure 2 and Figure 3 depict detailed views of the existing and proposed antenna layout plan.



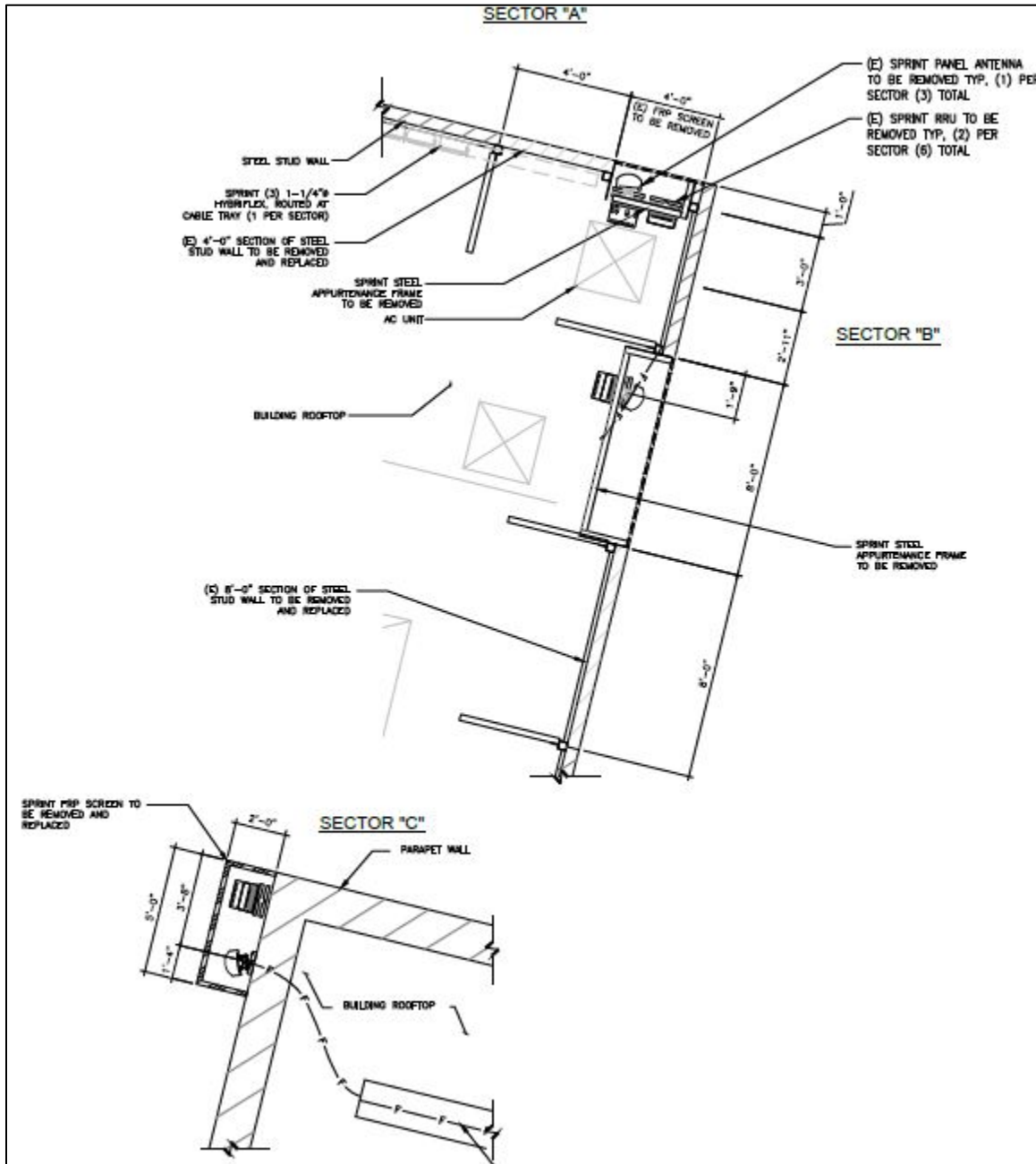


Figure 2: Existing antenna layout plan (Source: Plans, page A-4, panel 1).



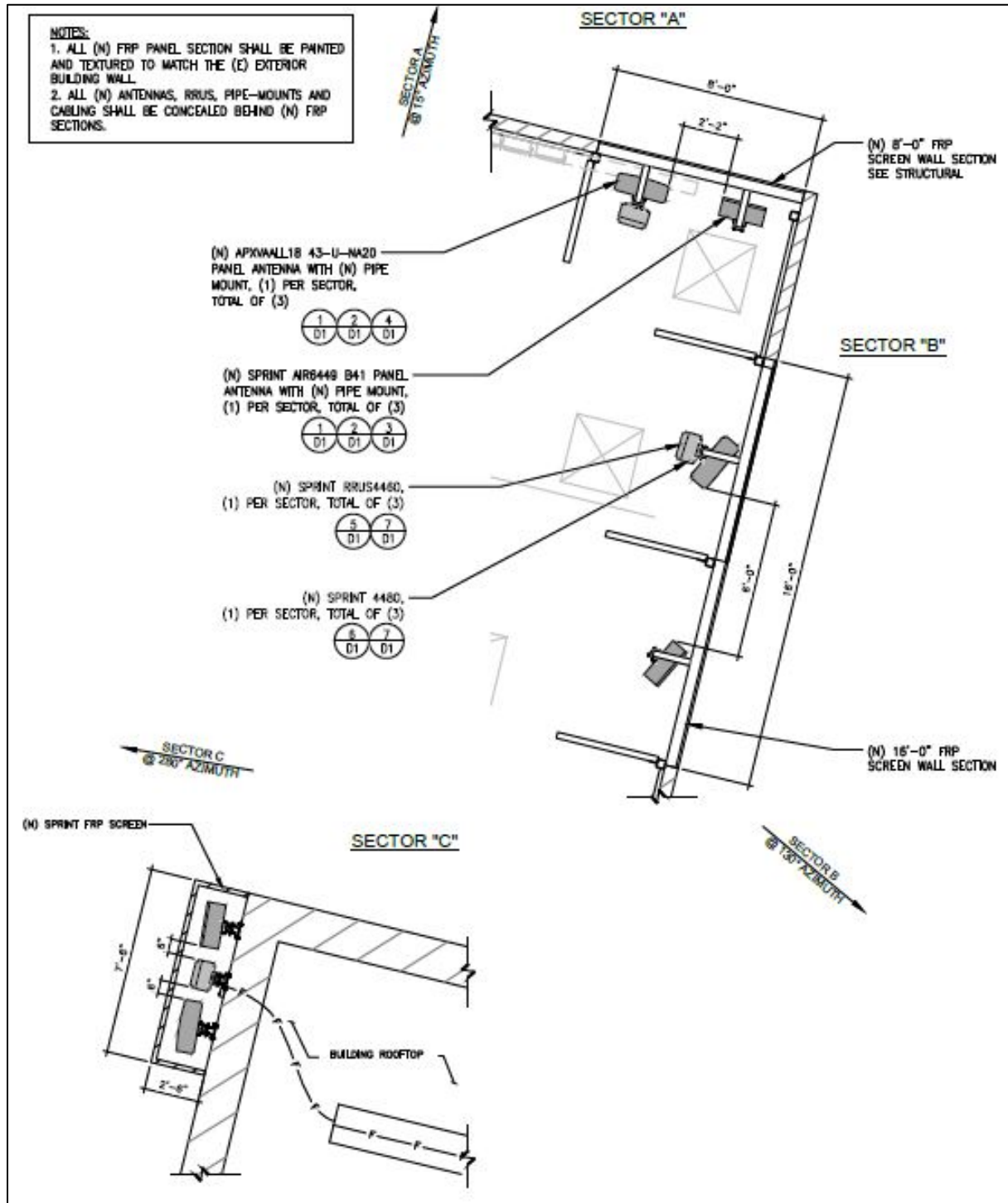


Figure 3: Proposed antenna layout plan (Source: Plans, page A-4, panel 2).

Sector A antennas are oriented toward 15° True North ("TN"), Sector B antennas are oriented toward 130° TN and Sector C antennas are oriented toward 280° TN.

See Figure 4 for the existing FRP screen boxes.



Figure 4: FRP screen boxes (Source: Applicant photo simulations).

3. Design Compliance- Tier 1- Not located in the Public Right of Way (“PROW”)

Under CMC §17.31.040(C)(2) a wireless telecommunication facility not located within the PROW shall comply with the following standards:

- a. Wireless telecommunication facilities shall comply with standards set forth in §17.31.030.

The existing antennas and some of the associated equipment for this wireless site were approved to be situated behind FRP screen boxes. All proposed antennas and associated equipment will either be behind the FRP screen boxes away from public view or will be situated within the existing equipment enclosure. None of the proposed modification will create a visual change to the existing wireless site.

- 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.

The existing wireless facility is installed within the preferred zone.



- 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.

The modification does not propose to increase the height of the already approved height of the existing wireless facility.

- d. Wireless telecommunication facilities shall comply with the setbacks established by the underlying zoning district and Section 17.31.030.

The modification proposed to the existing wireless site does not alter the established setbacks of the site.

- 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.

The proposal is a modification to an existing wireless site. Therefore, the scope of work will not replace the location or the underlying existing structure.

- f. All facilities shall meet the stealth design criteria established by the city's wireless telecommunication facility design guidelines.

The existing site antennas are embedded behind FRP screen boxes. All proposed antennas and associated equipment will either be behind the FRP screen boxes away from public view or will be situated within the exiting equipment enclosure. None of the proposed modification will create a visual change to the existing wireless site.

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**”).¹ 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

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).



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.⁵ The narrower occupational class includes persons exposed through their employment and able to exert control over their exposure.⁶ 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-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.

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.

⁶ See *id.*

⁷ See *id.* § 1.1307(b)(1).



4.2 Planned Compliance Evaluation and Recommendations

The FCC does not categorically exclude T-Mobile's facility from routine compliance review because the underlying building was not primarily built 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 §17.31.040(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. Furthermore, the Applicant provided a Radio Frequency-Electromagnetic Energy Compliance Report prepared by Global Technology Associates ("GTA") and dated June 10, 2021 ("**GTA RF Report**").

TLF agrees with the recommended barrier and signage mitigation measures included within the GTA RF Report. The GTA RF Report included barriers for all the controlled access zones created by some of the sector antennas. See Figure 5.

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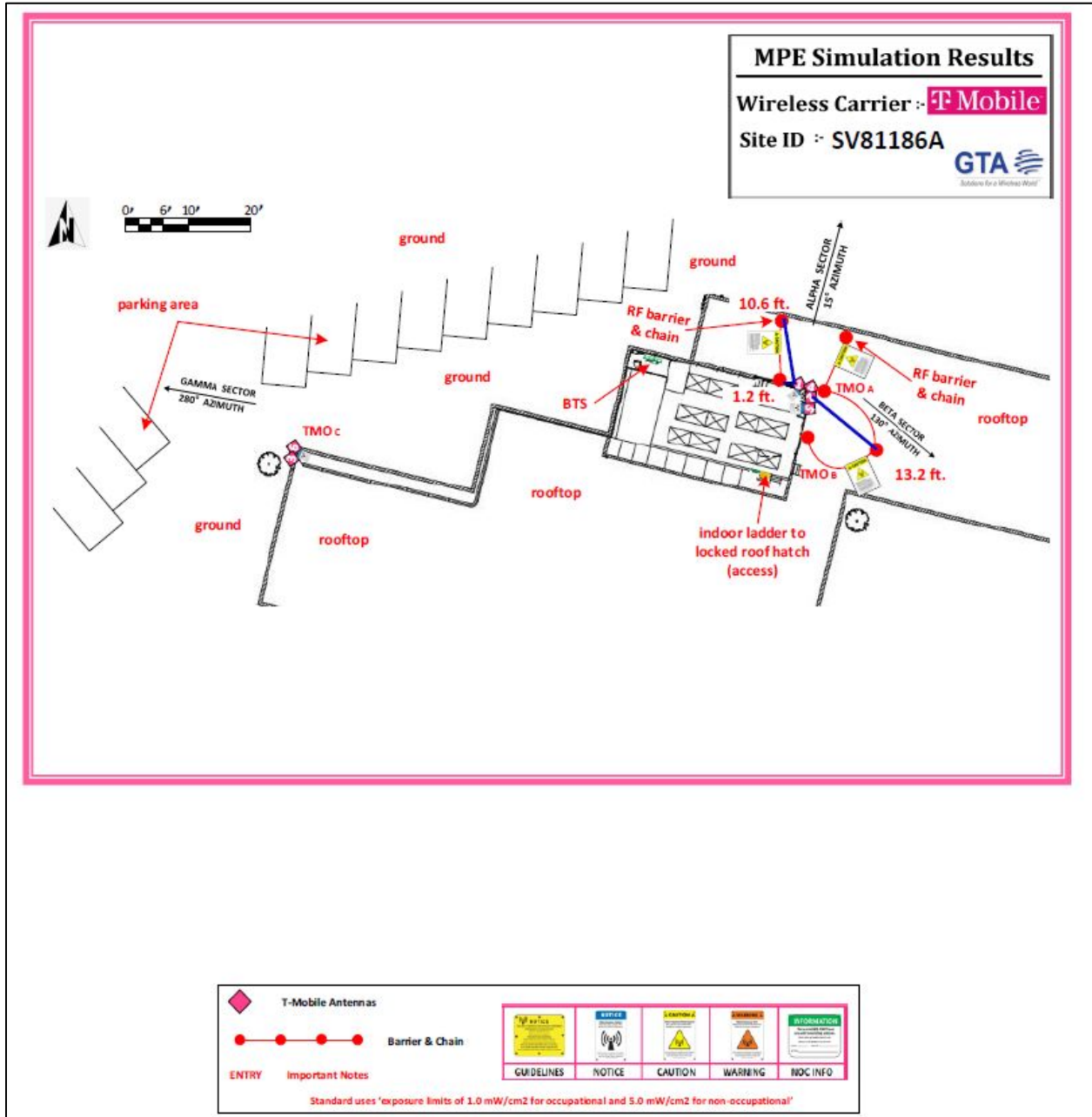


Figure 5: Proposed barriers (Source: GTA RF Report).

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 always keep the access doors, hatches and ladders to the rooftop locked, except when active maintenance is performed on the rooftop or equipment.
2. 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.

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 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

