



CITY of CALABASAS

Exhibit E

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

www.cityofcalabasas.com

August 3, 2022

Reliant Land Services
Attn: Ashley Hollihan
550 N. Parkcenter Dr, Suite 200
Santa Ana, CA 92705

Subject: Notice of Decision for Project No. WTFM-2022-009

Dear Ms. Hollihan,

At a public hearing on August 3, 2022, the Community Development Director considered testimony given, 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.: WTFM-2022-006. A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing the installation of new equipment within the existing equipment room, and the installation of new antennas and associated equipment at the roof-mounted AT&T facility located at 4937 Las Virgenes Rd (APN: 2064-001-027; APN: 2064-001-028) within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

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) 224-1709 or rcarr@cityofcalabasas.com.

Sincerely,

Ryan Carr
Associate Planner

Attachment: Community Development Director Decision Letter and Report



CITY of CALABASAS

COMMUNITY DEVELOPMENT DIRECTOR DECISION LETTER AND REPORT

FILE NO.: WTFM-2022-009

PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing the installation of new equipment within the existing equipment room, and the installation of new antennas and associated equipment at the roof-mounted AT&T facility located at 4937 Las Virgenes Rd (APN: 2064-001-027; APN: 2064-001-028) within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Ashley Hollihan - Reliant Land Services

BACKGROUND:

On March 21, 2022, Ashley Hollihan – Reliant Land Services filed an application, on behalf of AT&T, to upgrade an existing wireless telecommunication facility located at a roof-mounted AT&T facility located at 4937 Las Virgenes Road (APN: 2064-001-027) within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone. The application was reviewed by staff, and was deemed incomplete on April 19, 2022. Following the April 19, 2022 Notice of Incompleteness and a subsequent July 1, 2022 Notice of Incompleteness, the application was revised, and was determined by Staff to be complete on July 14, 2022.

The existing AT&T facility was constructed in 2003, (approved Conditional Use Permit No. 03-14) File No. 5000102 and Minor Development Permit, File No. 005010), updated in 2014 (Administrative Plan Review, File No. 140000549), and last updated in 2018 (Minor Modification Permit No. 180000562), for the removal and replacement of existing equipment in compliance with Section 6409(a) of the Middle Class Tax Relief Act.

The proposed project involves the installation and replacement of antennas and associated equipment at an existing roof-mounted AT&T facility. All new equipment is screened from view due to the FRP screen. This project was reviewed by the Telecom Law Firm for concurrence that the project is an eligible facility request under Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (the Act) applies. In a Wireless Telecommunication Memorandum dated July 12, 2022, Dr. Jonathan Kramer of the Telecom Law Firm stated that the proposed project meets all of the criteria necessary to be eligible for Section 6409(a).

STAFF ANALYSIS:

1. Current Site Condition: The existing wireless telecommunication facility (WTF) is a roof-mounted facility located in an equipment room at 4937 Las Virgenes Rd within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone. The facility consists of three (3) sectors; with twelve (12) panel antennas approximately 49'3" above grade, and associated building-mounted equipment. Based on photographs provided by the applicant, the site was found to be in good condition (ie. no graffiti, no damage to equipment).
2. Proposed Project: The applicant is requesting permission to upgrade an existing Wireless Telecommunications Facility in accordance with Section 6409(a) of the 2012 Tax Relief Act. The proposal includes the installation of new equipment within an existing equipment room, and the installation of new antennas and associated equipment at an existing roof-mounted AT&T facility located at 4937 Las Virgenes Rd, within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.
3. Calabasas Municipal Code Requirements: Chapter 17.31 of the CMC regulates the construction, maintenance, and modification of wireless telecommunication facilities within the City of Calabasas. In accordance with Section 17.31.020(A)(4) of the CMC, the ordinance applies to existing facilities which have been previously approved but are now or hereafter modified. Section 17.31.060 of the CMC regulates minor modifications of existing facilities that are an eligible facilities request, consistent with Section 6409(A) of the Middle Class Tax Relief and Job Creation Act of 2012. As a result, the applicant has filed for a Minor Modification Permit to perform the requested equipment additions.
4. Section 6409(A) Analysis: On February 17, 2012, Congress passed the "Middle Class Tax Relief and Job Creation Act of 2012" (the "Act"). Section 6409(a) of the Act states that "a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station." Eligible facilities include requests that involve: (a) collocation of new transmission equipment, (b) removal of transmission equipment; or (c) replacement of transmission equipment. Because the proposed project involves the replacement and installation of existing pole mounted and ground mounted equipment, it qualifies as an eligible facility under the Act. Finally, the proposed project will not substantially change the physical dimensions of the existing tower or base station. As a result, section 6409(a) of the Act applies to the proposed project, and the City shall approve and may not deny this application. Consequently, the project meets all requirements for approval of a Minor Modification Permit and Section 6409(a).

FINDINGS:

Section 17.31.060(E)(1) stipulates that the Director must approve an application for a wireless facility minor modification permit for a collocation or modification to an existing wireless tower on private property only if each of the following findings can be made:

1. *The applicant proposes a collocation or modification to a structure constructed and maintained with all necessary permits in good standing, whether built for the sole or primary purpose of supporting any Federal Communications Commission licensed or authorized antennas and their associated facilities;*

The proposed project involves the installation and replacement of antennas and associated equipment at an existing roof-mounted AT&T facility located on the roof of the building at 4937 Las Virgenes Rd, within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone. All new equipment is screened from view due to the FRP screen. Based on photos provided by the applicant, the site was found to be in good condition (i.e. no graffiti, and no damage to the equipment) and in compliance with all conditions of approval contained within Minor Modification Permit No. 18000595, which is the most recently approved project for this facility. As a result, the proposed project meets this finding.

2. *The proposed collocation or modification does not increase the height of the existing personal wireless telecommunication facility above its lowest height on February 22, 2012, or as approved if constructed after February 22, 2012, by more than ten (10) percent or ten (10) feet, whichever is greater;*

The modifications to the facility involve the replacement and installation of new antennas, and the installation of new and relocated RRUs and associated screened roof-mounted equipment at an existing equipment room in the roof-mounted AT&T facility. The proposed modifications do not result in an increase in overall height of the existing facility. Therefore, this finding is met.

3. *The proposed collocation or modification does not increase the width of the facility by more than six (6) feet;*

The modifications to the facility involve the replacement and installation of new antennas, relocated RRUs and associated screened roof-mounted equipment at an existing equipment room in the roof-mounted AT&T facility. The proposed modifications do not result in an increase in width of the existing facility. Therefore, this finding is met.

4. *The proposed collocation or modification does not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four (4);*

The modifications to the facility involve the replacement and installation of new antennas, relocated RRUs and associated screened roof-mounted equipment at an

existing equipment room in the roof-mounted AT&T facility. The modifications do not involve the installation of new equipment cabinets, and therefore this finding is met.

5. *The proposed collocation or modification does not involve any excavation outside the lease or license area of the facility, including any access or utility easements;*

The proposed project does not include any new ground disturbance; all proposed changes will be to the existing roof-mounted equipment attached to the existing building. Therefore, this finding is met.

6. *The proposed collocation or modification does not defeat any existing concealment elements of the support structure; and*

The antennas and associated equipment at the existing AT&T facility are mounted to an existing equipment room on the roof of an existing building. The equipment is behind an existing FRP screen to conceal all equipment from view. The proposed modifications involve the horizontal expansion of the FRP screen boxes, to accommodate the additional antennas & associated equipment that will be installed. Because all new equipment will be concealed behind an expanded FRP screen, the proposed project does not defeat existing concealment elements of the support structure and meets this finding.

7. *The proposed collocation or modification does not violate any prior conditions of approval, except as may be preempted by Section 6409, Title 47, United States Code, section 1455, subdivision (a).*

The existing wireless facility was shown through photos submitted by the applicant to be in good condition (i.e. no graffiti, no damage to existing equipment) and is in compliance with all conditions of approval contained within the original permit and subsequent modifications (Minor Modification Permit No. 180000562 being the most recent). For this reason, the proposed project satisfies 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 Section 15301 (Existing Facilities) 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



Michael Klein, AICP, Community Development Director

8/12/2022
Date

ATTACHMENTS:

- Exhibit A: Conditions of Approval
- Exhibit B: Public Hearing Record
- Exhibit C: Project Plans



CITY of CALABASAS

**COMMUNITY DEVELOPMENT DIRECTOR
DECISION LETTER AND REPORT**

EXHIBIT A: CONDITIONS OF APPROVAL

FILE NO.: WTFM-2022-009

PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing the installation of new equipment within the existing equipment room, and the installation of new antennas and associated equipment at a roof-mounted AT&T facility located at 27001 Agoura Rd (APN: 2064-004-066) within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Ashley Hollihan – Reliant Land Services

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. WTFM-2022-009 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No WTFM-2022-009 and the issuance of any permit or entitlement in connection therewith. Accordingly, to the fullest extent permitted by law, Ashley Hollihan (applicant), AT&T (carrier), and Lost Hills Office Partners (owner) 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. WTFM-2022-009 and the issuance of any permit or entitlement in connection therewith, or the activities conducted pursuant to this File No. WTFM-2022-009 and the issuance of any permit or entitlement in connection therewith Ashley Hollihan (applicant), AT&T (carrier), and Lost Hills Office Partners (owner) 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. Compliance with approved plans. The proposed project shall be built in compliance with the approved plans on file with the Planning Division.
3. 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.
4. 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.
5. 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.
6. Prior to commencement of construction, all necessary permits shall be obtained from the Building and Safety Division and Public Works Department.
7. The project is located within a designated A Very High Fire Hazard Severity Zone. The requirements of Chapter 15.04.500 of the Calabasas Municipal Code that references the 2019 California Fire Code as well as the 2019 Consolidated Fire Protection District Code of Los Angeles County, must be incorporated into all plans.
8. 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.
9. 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.
10. Construction Activities - Hours of construction activity shall be limited to:
 - i. 9:00 a.m. to 2:00 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.

11. No new antenna, or additional equipment not included or specified in the stamped approved plans may be installed on the subject site under this permit.
12. No automatic renewal. The grant or approval of a wireless facility minor modification permit shall not renew or extend the underlying permit term.
13. Compliance with previous approvals. The grant or approval of a wireless facility minor modification permit shall be subject to the conditions of approval of the underlying permit, except as may be preempted by Section 6409, subdivision (a).
14. The applicant shall submit to the director an as-built set of plans and photographs depicting the entire personal wireless telecommunications facility as modified, including all transmission equipment and all utilities, within ninety (90) days after the completion of construction.
15. Indemnification. To the fullest extent permitted by law, the applicant and any successors and assigns, shall defend, indemnify and hold harmless City, its employees, agents and officials, from and against any liability, claims, suits, actions, arbitration proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including, but not limited to, actual attorney fees, litigation expenses and court costs of any kind without restriction or limitation, incurred in relation to, as a consequence of, arising out of or in any way attributable to, actually, allegedly or impliedly, in whole or in part, related to the wireless facility minor modification permit and the issuance of any permit or entitlement in connection therewith. The applicant shall pay such obligations as they are incurred by City, its employees, agents and officials, and in the event of any claim or lawsuit, shall submit a deposit in such amount as the City reasonably determines necessary to protect the City from exposure to fees, costs or liability with respect to such claim or lawsuit.
16. 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.
17. The facility shall be developed, maintained, and operated in full compliance with the conditions of the wireless facility minor modification permit, any other applicable permit, and any law, statute, ordinance or other regulation applicable to

any development or activity on the site. Failure of the applicant to cease any development or activity not in full compliance shall be a violation of these conditions. Any violation of this Code, the conditions of approval for the wireless facility minor modification permit, or any other law, statute, ordinance or other regulation applicable to any development or activity on the site may result in the revocation of this permit. The remedies specified in this section shall be cumulative and the city may resort to any other remedy available at law or in equity and resort to any one remedy shall not cause an election precluding the use of any other remedy with respect to a violation.

18. In the event that a court of competent jurisdiction invalidates or limits, in part or in whole, Title 47, United States Code, section 1455, such that such statute would not mandate approval for the collocation or modification granted or deemed granted under a wireless facility minor modification permit, such permit shall automatically expire twelve (12) months from the date of that opinion.
19. The grant, deemed-grant or acceptance of wireless facility minor modification permit shall not waive and shall not be construed or deemed to waive the City's standing in a court of competent jurisdiction to challenge Title 47, United States Code, section 1455 or any wireless facility minor modification permit issued pursuant to Title 47, United States Code, section 1455 or this code.
20. 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.
21. 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.



CITY of CALABASAS

**COMMUNITY DEVELOPMENT DEPARTMENT
DECISION LETTER AND REPORT**

EXHIBIT B: PUBLIC HEARING RECORD

FILE NO.: WTFM-2022-009
PROPOSAL: A request for a Wireless Telecommunication Facility Minor Modification Permit to modify an existing wireless telecommunication facility in accordance with Section 6409(a) of the 2012 tax relief act. The applicant is proposing the installation of new equipment within the existing equipment room, and the installation of new antennas and associated equipment at the roof-mounted AT&T facility located at 4937 Las Virgenes Rd (APN: 2064-001-027; APN: 2064-001-028) within the Commercial, Retail (CR) zoning district and Scenic Corridor (-SC) overlay zone.

APPLICANT: Ashley Hollihan – Reliant Land Services

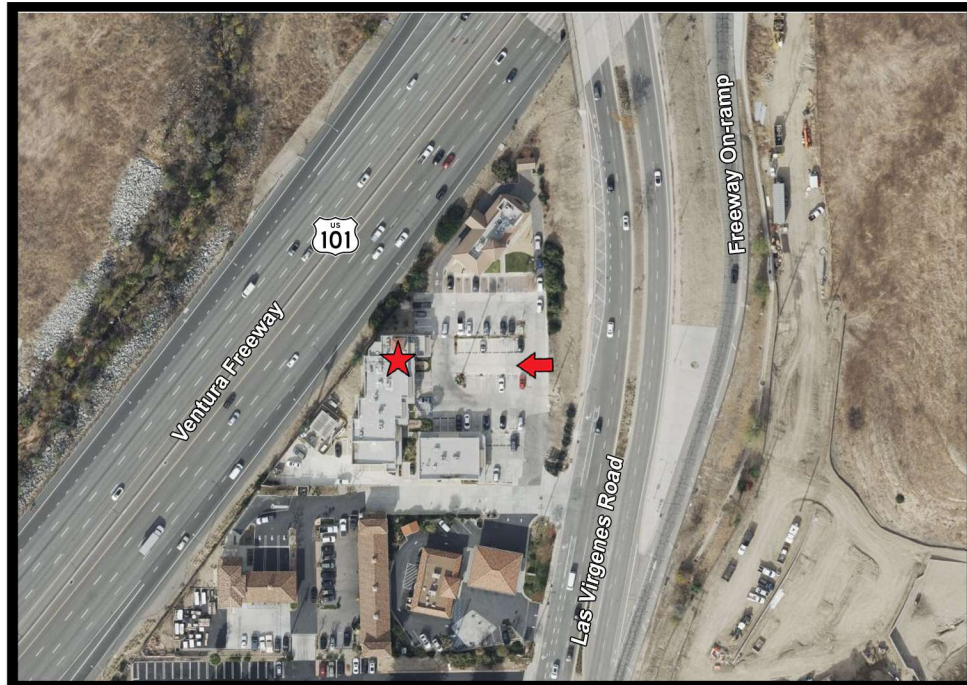
1. On Wednesday, August 3, 2022, at 2:00 P.M, Community Development Director Michael Klein held the duly noticed public meeting via Zoom;
2. Ryan Carr, Associate Planner presented the staff report for the project, which included the staff recommendation to approve the project. Following the staff report the Director, Michael Klein, opened the public hearing;
3. The applicant, Ashley Hollihan, spoke in favor of the project.
4. With there being no other persons to present testimony regarding the application, the public hearing was closed.
5. The Community Development Director announced the decision as Approved.



CLU2026
Las Virgenes
 4937 LAS VIRGENES
 CALABASAS, CA 91302

Prepared By:
RLS
 RELIANT LAND SERVICES
 550 N Parkcenter Dr, Ste 200
 Santa Ana, California 92705
 (714) 685-0123

AERIAL MAP



PROPOSED



VIEW FROM EAST OF (E) BUILDING

EXISTING



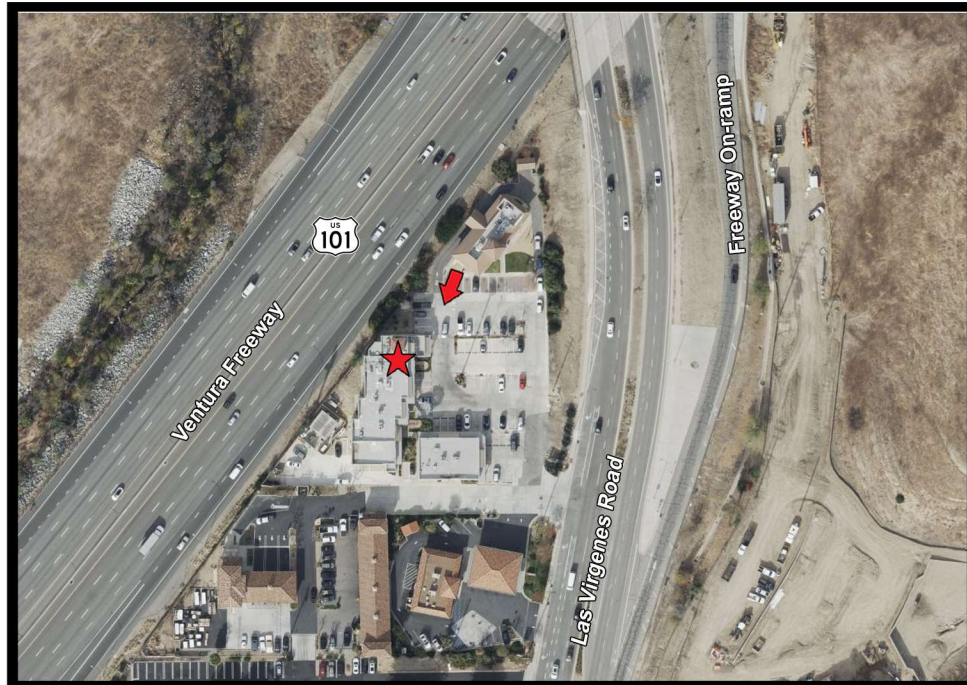
Accuracy of photo simulation based upon information provided by project applicant. The proposed installation is an artistic representation, and not intended to be an exact reproduction. The final installation will have cables, cable ports, and various attachments, such as antennas, nuts, and bolts. Every effort will be made to disguise these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.



CLU2026
Las Virgenes
 4937 LAS VIRGENES
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AERIAL MAP



PROPOSED

VIEW FROM NORTHEAST OF (E) BUILDING



EXISTING



Accuracy of photo simulation based upon information provided by project applicant. The proposed installation is an artistic representation, and not intended to be an exact reproduction. The final installation will have cables, cable ports, and various attachments, such as antennas, nuts, and bolts. Every effort will be made to disguise these components and they will not be readily apparent to the casual observer or passerby. However, upon close scrutiny, the true nature of the installation will be apparent.